

# **TENNESSEE HERITAGE CONSERVATION TRUST FUND ACT OF 2005**

## **A PRELIMINARY ASSESSMENT OF NEEDS**

**DECEMBER, 2006**

**Version 6.2**



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## **EXECUTIVE SUMMARY**

This document was prepared as a cooperative effort by personnel from the Tennessee Department of Agriculture (TDA), Tennessee Department of Environment and Conservation (TDEC), and Tennessee Wildlife Resources Agency (TWRA). It is intended as a preliminary assessment of conservation needs for the newly created Tennessee Heritage Conservation Trust as they carry out the mandate outlined in TCA-11-7 to “assist the state in permanently conserving and preserving tracts of land within the state of Tennessee for the purposes of promoting tourism and recreation, including outdoor activities such as hunting and fishing; protecting, conserving and restoring the state’s physical, cultural, archeological, historical and environmental resources; and preserving working landscapes.”

The Tennessee Conservation Act of 2005 details the importance of “special places” in Tennessee and recognizes the threats being placed on these places by increasing human population and development. Without action, these areas and their rare plant and animal life, spectacular views, and historical value may be lost to future generation of Tennesseans.

This document represents the assessments made by the three state departments and agencies with primary responsibility for protecting, managing and restoring the State’s extensive and diverse physical, cultural, archeological, historical and environmental resources. While extensive in scope, this document is not intended to be the “bible” for guiding the actions of the TCHTF Board. Additional input from numerous other organizations will be necessary before the Board will have a clear picture of the conservation needs in this state.

The report identifies more than 275 significant and critical projects comprising more than 700 sites in the State. Significant projects were identified in all 95 counties in the state. Within the “Areas of Interest”, more than 2.6 million acres were identified. While almost 700,000 of those acres are already in some type of protected status (excluding federal lands), a minimum of 1.2 million acres were identified that still need to be protected and or made available for public access. The cost to protect these additional areas is estimated at more than \$1.3 billion.

The report identifies potential sources of funding that might be used to leverage funds provided by the “Act of 2005” in subsequent years. It is estimated that the leveraging process with partners could yield \$20 million annually or more to match funds appropriated by the State under this act.

## **ACKNOWLEDGEMENTS OF DATA SHARING**

A project of this magnitude would not have been accomplished if it were not for the collaboration and partnership in data sharing. Many players have been involved in this effort. Below is a list of groups who have been instrumental in acquiring and sharing data. Thank you for your understanding, dedication, and willingness to share data and work on this private/public collaborative effort.

North Chickamauga Creek Conservancy  
State of Tennessee, Department of Agriculture, Division of Forestry  
State of Tennessee, Department of Environment and Conservation  
State of Tennessee, Department of Finance and Administration, OIR GIS Services  
State of Tennessee, Tennessee Wildlife resources Agency  
Tennessee Chapter of The Nature Conservancy  
Tennessee Parks and Greenways Foundation  
Tennessee River Gorge Trust  
University of the South  
Wolf River Conservancy

## INTRODUCTION

In 1903 President Theodore Roosevelt started this nation on the path toward greater awareness of our natural resources and the importance of conserving those resources. His experiences as a big game hunter, and observations of dwindling game populations in the western United States convinced him that our natural resources were not inexhaustible. During his tenure as President, Roosevelt was able to add an astounding 230 million acres to the public land base in the United States; most all of those lands in the western US.

In 1927 the Tennessee and North Carolina legislatures each voted to provide \$2 million to help purchase the land for the Great Smoky Mountain National Park. Further, a partnership with the Federal government and private interests provided a broad based partnership that resulted in the purchase of more than 600,000 acres of mostly scarred and overharvested forestland that is now the most visited National Park in the country.

Today, more than one hundred years after Theodore Roosevelt's bold conservation initiatives, we still struggle to ensure that our natural resources will be adequately conserved for future generations. With urban sprawl and the accompanying loss of open lands an ever-present and growing threat, we need to redouble our efforts to make sure that we conserve lands with important and unique natural resource values. The legacy and vision of Theodore Roosevelt is as valid today as it was in the early 1900's. However, public lands represent less than 5% of all the lands in Tennessee. In all areas of the state, our natural and cultural heritage exists largely on the 95% of the lands still held in private ownership.

Large industrial and forest industry landowners are apparently in the midst of a major re-evaluation of their land holdings in Tennessee and in the Southeast. Some companies are selling all of their lands, while others are selling their lands and retaining agreements for harvesting wood products. Still others are selling lands at one location in exchange for a land purchase in another location closer to a processing facility. All told, over 1,000,000 acres of corporate timberland have sold in the past few years or is in the process of being sold here in Tennessee. The ultimate impact of these changes on Tennessee's forested landscape is difficult to predict, but it seems clear that some of our most treasured resources may be lost within a short period of time.

Other states have begun to answer the need to protect their open spaces as our nation's population continues to grow. New Jersey has embarked on an ambitious plan to conserve 1 million acres of open space. The state of Maine recently made national news when they established a conservation easement on 750,000 acres of forestland, protecting it for continued public recreational uses in perpetuity. In Tennessee, our legislature is still wrestling with how to fund state government with limited dollars, and there are many important areas that need adequate funding: better schools, health care, law enforcement and highways are just a few of the items that come to mind. But when it comes to affecting the quality of life for future generations of Tennesseans, protecting the critical habitats of wildlife in jeopardy, assuring that the abundant species remain abundant, securing enough open space to pursue outdoor recreation, and preserving the cultural sites that give us a link to our past should be a part of our long-range

vision. Budget problems in state government will come and go, but some of these lands are available right now. If we wait until later to take action, it may be too late.

Tennessee has experienced tremendous human population growth in recent years. By 2025, our state will have 17% more people than it had in 2000, but will have 1.8 million acres less open space. The Nashville Basin has been identified as the 12<sup>th</sup> most at-risk area in the nation, the highest risk area in any of the southeastern states.

In 2003 the State Recreation Plan identified several plans of action to help address the critical issues of Tennessee's recreation and conservation heritage. Among those strategies identified was a proposal to develop a comprehensive statewide plan for the acquisition of recreation lands (Proposal #7).

In 2005 Governor Bredesen proposed, and the legislature approved funding of \$10,000,000, viewed as the beginning of implementation of Proposal #7. In 2006 an additional \$10,000,000 was appropriated. The legislation also called for the formation of the Tennessee Heritage Conservation Trust Fund with a board of trustees to direct this acquisition program.

## **Objectives of the Plan**

This plan attempts to identify important conservation, wildlife, and other natural and cultural heritage lands based on science and research, plus knowledge of the ever-changing issues of availability and cost. The document is designed to guide and assist the Board in assessing needs and setting acquisition priorities. It also attempts to identify potential partnerships and funding mechanisms that might serve to enhance the board's ability to leverage its financial resources.

The document was developed as a collaborative effort of the major land conservation management agencies of the State including the Department of Agriculture (Division of Forestry), Department of Environment and Conservation (Division of Natural Areas, Division of Archaeology, and Division of Parks), and the Tennessee Wildlife Resources Agency. Even though each of these agencies or departments has a unique mission, providing areas for people to enjoy outdoor recreational activities and the protecting the habitats of imperiled species and the otherwise unique and special outdoor places of Tennessee is common to all. The synergistic effect of these agencies combining their knowledge and expertise should prove useful to the Board as they work to make the best decisions and to leverage a very limited amount of financial resources.

Also included as an appendix is a six-page report developed by The Vanderbilt Center for Environmental Management Studies, entitled *The Public Lands Challenge: Protecting Tennessee's Natural Lands for Future Generations*.

Daniel Burnham once said, "Make no little plans. They have no magic to stir man's blood...Make big plans; aim high in hope and work." This document was assembled to assist in the crafting of a bold vision for an expanded public lands program.



## **GLOSSARY OF ACRONYMS**

AMSL	above mean sea level
APSU	Austin Peay State University
AT	Appalachian Trail
ATC	Appalachian Trail Conference
BCI	Bat Conservation International
BCR	Bird Conservation Region
B-Rank	Biodiversity Rank
BMP	Best Management Practice
CBA	Chickasaw Basin Authority
CCC	Civilian Conservation Corps
CMA	Conservation Management Agreement
CTSP	Cumberland Trail State Park
CWCS	Comprehensive Wildlife Conservation Strategy
dbh	diameter at breast height
DCH	Designated Critical Habitat
DNA	Division of Natural Areas
DNH	Division of Natural Heritage
DOE	U.S. Department of Energy
DOI	U.S. Department of the Interior
DU	Ducks Unlimited
ESA	Endangered Species Act
ETSU	East Tennessee State University
FLC	Foothills Land Conservancy
FWS	US Fish and Wildlife Service
G-Rank	Global Rank
GAP	Gap Analysis Program
GCN	Greatest Conservation Need
GIS	Geographic Information System
GRP	Grassland Reserve Program
GSMNP	Great Smokey Mountain National Park
HCP	Habitat Conservation Plan
HFRP	Healthy Forests Reserve Program
LPRF	Local Parks and Recreation Fund
LTT	Land Trust for Tennessee
LWCF	Land and Water Conservation Fund
MTSU	Middle Tennessee State University
NAWCA	North American Wetlands Conservation Act
NCCC	North Chickamauga Creek Conservancy
NFWF	National Fish and Wildlife Foundation
NPS	National Park Service
NRCS	Natural Resources Conservation Service
NRTF	Natural Resources Trust Fund
NWCF	National Wetlands Conservation fund
NWTF	National Wild Turkey Federation

PIF	Partners in Flight
QU	Quail Unlimited
RCD	Resource Conservation District
RMEF	Rocky Mountain Elk Federation
ROW	right of way
RTP	Recreation Trails Program
SCC	Southeastern Cave Conservancy
SCRLT	South Cumberland Regional Land Trust
SCSRA	South Cumberland State Recreation Area
SHP	State Historic Park
SMZs	Stream Management Zones
SNA	State Natural Area
S-Rank	State Rank
SLAF	State Land Acquisition Fund
SWG	State Wildlife Grant
TCF	The Conservation Fund
TCS	Tennessee Cave Survey
TCWP	Tennessee Citizens for Wilderness Planning
TDA	Tennessee Department of Agriculture
TDEC	Tennessee Department of Environment and Conservation
TDF	Tennessee Division of Forestry
TDOA	Tennessee Division of Archaeology
TDOT	Tennessee Department of Transportation
THC	Tennessee Historical Commission
THCA	Tennessee Heritage Conservation Act of 2005
THCP	Tennessee Heritage Conservation Plan
THCT	Tennessee Heritage Conservation Trust
TIMO	Timber Investment Management Organization
TNC	The Nature Conservancy
TOS	Tennessee Ornithological Society
TPGF	Tennessee Parks and Greenways Foundation
TRGT	Tennessee River Gorge Trust
TSF	Tennessee State Forest
TSMP	Tennessee Stream Mitigation Program
TSP	Tennessee State Parks
TSRA	Tennessee Scenic Rivers Association
TTA	Tennessee Trails Association
TTU	Tennessee Technological University
TU	Trout Unlimited
TVA	Tennessee Valley Authority
TWRA	Tennessee Wildlife Resources Agency
TWRF	Tennessee Wildlife Resources Foundation
USACE	U.S. Army Corps of Engineers
USDA	U.S. Department of Agriculture
USGS	U.S. Geological Service
USFS	U.S. Forest Service

USFWS	U.S. Fish and Wildlife Service
UTK	University of Tennessee - Knoxville
WMA	Wildlife Management Area
WOA	wildlife observation area
WRC	Wolf River Conservancy
WRP	Wetlands Reserve Program
WWF	World Wildlife Fund

## **PROCESSES AND TOOLS FOR EVALUATING NEEDS**

The planning group utilized a variety of tools and methods to help identify priority areas. Several new planning models were developed to assist in evaluating the thousands and thousands of pieces of biological data collected over the past several years. Using a powerful Geographic Information System (GIS) as a foundation, available information has been analyzed, mapped, and modeled. In many cases the use of these special models allowed the evaluation of scientific data in a fashion not previously undertaken in Tennessee. Other tools utilized to evaluate sites across the state were more traditional in their approach, but were still quite valuable. A description of the various processes and tools used in evaluating needs are presented on the following pages. Maps are also presented in the Appendices.

### **Areas of Species Richness - GAP Analysis Program (GAP)**

The Gap Analysis Program (GAP) is a cooperative project between federal, state, regional, and private agencies and is guided by the Biological Resources Division of the U.S. Geologic Survey (USGS). The Tennessee GAP was a cooperative effort between TWRA and TTU. GAP utilizes geographic information systems to map the distribution of plant communities and terrestrial vertebrate animal species, and determine how much protection biological reserves and conservation lands provide to species rich areas. The geographic data layers required to conduct GAP include: land cover or vegetation types, predicted animal species distributions, and land ownership/land management status. The species richness map shows the number of animal species predicted to be in a location based on range data and habitat preference for all of Tennessee's native fauna (Appendix 1). Areas of species richness overlaid with locations of public managed lands can determine the protection afforded to biodiversity.

### **Priority Conservation Areas – The End Result**

The Nature Conservancy's ecoregional planning employs rigorous scientific analysis and depends upon input from experts in academia, government agencies, and other scientists. In Tennessee, the Conservancy engaged experts from TDEC-DNA, TWRA, TVA, USFWS, USGS, USFS, and numerous academics from major universities across the state. The effort identified and evaluated target animal and plant species, natural communities, and ecological systems at a multi-state ecoregional level. This project delineated a network of priority conservation areas that should be protected to meet goals for conservation targets (Appendix 2).

TWRA collaborated with similar experts in aquatic resources to further define critical habitats. This exercise focused on habitat for fish, crayfish, mussels, and snails. The goal was to identify 1) areas that currently support rare species, 2) areas that have high diversity of aquatic species, and 3) areas where habitat could be improved to restore native species. Most of these habitats are threatened by increased water withdrawals and excessive sediment deposition. The acquisition of these river corridors would allow the state to protect sensitive habitats. Areas which are not available for purchase would be priority areas for cooperative programs to reduce negative effects of various activities in the watershed.

The above projects were combined into one map identifying priority conservation areas across the state. The result, the Conservation Priority Areas Map, shows where the State of Tennessee should focus its conservation efforts.

### **CWCS Models Identifying Areas of Biological Importance**

The TWRA Nongame and Endangered Species Program receives federal funding through the State Wildlife Grants Program administered by the USFWS. State Wildlife Grants are annually appropriated funds. In an effort to best utilize the funds, the state has developed a Comprehensive Wildlife Conservation Strategy (CWCS). One of the elements of this CWCS is the identification of “species of greatest conservation need”.

The TWRA and its planning partners developed criteria with which to evaluate the conservation need of Tennessee’s native species. These criteria relied upon a species’ legal status, state (TWRA) and/or federal (FWS) designation (endangered, threatened, etc.), a species’ global or state rarity designation (NatureServe), an accepted national or regional management plan (e.g., US Shorebird Conservation Plan), a species geographic distribution (an endemic species to Tennessee), or other special considerations. A brief description of these criteria follows.

**Legal Status** - TWRA, through the authority of TCA 70-8-104 and TCA 70-8-105, lists wildlife species as deemed in need of management, threatened or endangered. Criteria for listing include: inclusion on the federal endangered/threatened list, data on population status, habitat status and trends, identified threats to their continued existence, and feasibility of the species being re-introduced.

The USFWS, through the Endangered Species Act, lists faunal and floral species as endangered or threatened. Criteria considered include species distribution, population status, threats in terms of habitat loss or modification, over utilization, disease/predation, inadequacy of existing regulations, and any other man-made factors affecting the species’ continued existence.

**Global or State Status** - NatureServe, an international non-profit conservation organization, provides scientific information and tools to assist in the conservation of species and natural communities. Their network of Natural Heritage Programs track species status at the state and global scales. Species are assigned State and Global Ranks determined by a species population status.

Regional or National Plan - Numerous conservation plans have been developed to address the conservation of various bird species. Examples of plans include the US Shorebird Conservation Plan, the North American Colonial Waterbird Conservation Plan or the Partners in Flight Landbird Plan. These plans provide species reviews and status rankings.

Geographic Distribution and Vulnerability - Tennessee is inhabited by several species that are found nowhere else on earth. The continued existence of these species is dependent on their management in Tennessee. Because of their restricted distribution, these species may not have the resiliency to absorb or rebound from threat impacts.

Special Considerations - Some species may be selected as a species of conservation need due to commonality with other selected species of other geographic areas, globally significant aggregations of species, sharing of common ecological processes, or inhabiting a biologically diverse area.

Once “species of greatest conservation need” were identified, their habitat preferences were assigned to habitat vegetation types. For example, South Central Appalachian Cove Hardwood is preferred habitat for wood thrush, suitable for hooded warbler, and marginal for peregrine falcon. All habitat types within the state were evaluated based on the habitat needs of the species of greatest conservation need.

Finally, species occurrence data and habitat data were modeled to determine areas containing rare species concentrations, thus areas of key habitats.

### **Prioritization of Conservation Targets for the TDEC-Division of Natural Areas**

Conservation priorities for the TDEC-DNA are based on the TNC/NatureServe standardized ranking process used systematically by all natural heritage programs throughout North, Central, and South America. The process uses specific criteria to establish state and global ranks for plant and animal species, as well as for natural communities. These state and global ranks for species and communities are then used to determine the biodiversity ranking for conservation targets, or sites, as follows.

Plants and animals, as well as plant communities, are assigned both a state rank (S-rank) and a global rank (G-rank) that indicates their degree of rarity. S-ranks are assigned by individual state natural heritage programs, in cooperation with other experts, following specific criteria and indicate the degree of rarity of a species within a given state. G-ranks are assigned by NatureServe, in cooperation with state natural heritage programs and other experts, following specific criteria and indicate the degree of rarity of a species throughout its known range world wide. Both S and G-ranks use a scale of 1 to 5, with 1 being the most rare and 5 being the most common.

Conservation targets, or sites, are assigned a biodiversity ranking (B-rank) that indicates a given site’s biodiversity significance. B-ranks are assigned by individual state natural heritage programs, in cooperation with other experts, following specific standardized criteria and indicate the degree to which a given site contributes to the conservation of biological diversity. B-ranks

use a scale of 1 to 5, with 1 being the most biologically diverse and 5 being the least biologically diverse. S and G ranks for plants, animals, and communities are a key factor in determining the B-rank of a given site.

Conservation priorities for the TDEC-DNA are determined largely, but not exclusively, by the B-ranks of individual sites. The DNA places a high priority on the conservation of sites with a B-rank of 1 or 2, gives careful consideration to sites with a B-rank of 3, and considers sites with a B-rank of 4 or 5 only when there are other significant mitigating circumstances. The underlying science used to derive these ranks is provided by the DNA-Natural Heritage Inventory Program, as well as the Rare Species Protection Program. This selection, acquisition, and management of sites are provided by the DNA-State Natural Areas Program. This process ensures that the DNA's limited financial and personnel resources are expended on those sites that offer the greatest contribution to the conservation of Tennessee's biological diversity (Appendix 1).

### **Property Integrity and Manageability of State Lands**

Zone integrity is the effect adjacent lands or in-holding has on the management of state property. In-holdings or near in-holdings affect the landscape if the land use changes, or if the accessibility to state land or to control access to state land is affected. Example: An in-holding if sold for development generally would have a negative impact on the surrounding state land conservation value. Additionally, this in-holding would need access, as required by law, which would further impact the state property and conservation value. Therefore, the degree to which the subject property affects the integrity of the state property function, operability and achievement of the agency's mission is estimated by zone integrity. To rank the magnitude of affect of adjacent lands on manageability and integrity, certain conditions are considered including:

- no effect now or in the foreseeable future
- adjacent land borders state on two sides, no access issue
- adjacent land borders state on two sides, access issue
- adjacent land borders state on more than two sides, no access issue
- adjacent land borders state on more than two sides, with access issue
- complete in holding

Project manageability refers to the ability to manage the property or project area to meet the mission of an agency(s) or to improve the management to meet the mission of an agency(s). This includes the connections to other public lands. These connections provide corridors for access improvement and protection from adjacent land use changes. The ecological, geological and cultural impacts should be considered in the "conservation value" section. The degree to which the manageability of a project is either impacted or enhanced should be considered. The more the subject parcels positively affects the existing property's manageability would result in a higher score and would include:

- No effect on the management of the project
- Some effect on the management
- Some effect on manageability and makes connection to other public property
- Moderate effect on manageability

Moderate to considerable effect with connection to other public property  
High level of effect and/or connects to a large extent to other public property or to multiple public properties.

### **Cultural Sites Ranking Process (War Sites)**

Cultural and historical sites related to War and Military activities are rated on a nine point criteria established by the Tennessee Wars/Historical Commission to reflect general and specific goals and objectives for historic preservation in the state (see Tennessee Wars Commission Duties and Objectives). Each topic is to be given a rating from one (1) to ten (10) with a total of ninety (90) points being possible. They are as follows:

1. Projects that develop preservation, management and/or interpretation plans for Tennessee Wars related sites using a community consensus for building approach and funding to support administrative staff to implement such plans.
2. Survey projects that identify Tennessee Wars Commission related sites and/or result in National Register nominations.
3. Archaeological projects that are designed to investigate Tennessee Wars sites, especially fortifications, encampment, and battlefield sites.
4. Projects emphasizing interpretation or heritage tourism.
5. Projects that further the documentation and evaluation of historic Tennessee African American resources during the Tennessee Wars.
6. Projects that provide assistance for the purchase of easements or other property interests for protection of Tennessee War sites, taking into consideration the threat to the site and its level of significance.
7. Applicants should show evidence of a degree of public interest, participation and support, i.e., endorsements, newspaper clippings, etc.
8. Applications should demonstrate the ability to satisfactorily administer and carryout a project of the type proposed and can reliably be expected to meet all legal, contractual, and financial obligations.
9. Applicants should be completely filled out, fully legible, contain all requested information and very clearly explain the purpose and methodology of the project.

### **Land Conservation Priority Matrix**

Based on the processes outlined above, as well as other criteria such as relative land costs, unique features, etc., initial efforts were made to develop a conservation priority matrix by which each parcel of land could be ranked. Presently, this matrix is still in the developmental stage.

## POTENTIAL PARTNERS FOR FUNDING OF LAND ACQUISITION

Tennessee has been very fortunate to have developed a variety of successful partnerships which have allowed for the leveraging of limited acquisition and protection dollars in past years. This new initiative should continue to rely on partnerships and grants to “stretch” limited funding and reduce the cost of acquisitions. Following is a partial list of past and potential future funding partners.

### 1. Federal

#### a. **North American Wetlands Conservation Act (NAWCA)**

(<http://www.fws.gov/birdhabitat/nawca/grants.htm>) - The North American Wetlands Conservation Act (Act) of 1989 provides matching grants to organizations and individuals who have developed partnerships to carry out wetlands conservation projects in the United States, Canada, and Mexico. The Act was passed, in part, to support activities under the North American Waterfowl Management Plan, an international agreement that provides a strategy for the long-term protection of wetlands and associated uplands habitats needed by waterfowl and other migratory birds in North America. In December 2002, Congress reauthorized appropriations for the Act through Fiscal Year (FY) 2007, reflecting its and the public’s support of the Act’s goals. Congress increased the appropriation authorization to \$55 million in 2003, with \$5 million increases to occur annually until FY 2007, when the appropriation cap will be \$75 million.

A North American Wetlands Conservation Act standard grant proposal is a 4-year plan of action supported by a NAWCA grant and partner funds to conserve wetlands and wetlands-dependent fish and wildlife through acquisition (including easements and land title donations), restoration and/or enhancement, with a grant request between \$50,001 and \$1,000,000. Small grants (up to \$50,000) are administered separately. Match must be non-Federal and at least equal the grant request (referred to as a 1:1 match). Match is eligible up to 2 years prior to the year the proposal is submitted and grant and match funds are eligible after the proposal is submitted and through the project period.

#### b. **Forest Legacy** (<http://www.fs.fed.us/spf/coop/programs/loa/flp.shtml>) - The Forest Legacy Program protects private lands from being converted to non-forest uses through the purchase of conservation easements or fee simple titles from willing private landowners. The program is voluntary on two levels; states decide whether or not to join and private forest landowners voluntarily agree to place conservation easements on their properties. The purpose of the Forest Legacy Program is to keep forestland available for traditional uses.



Tennessee completed its Assessment of Need in 1999, which identified at least 14 Forest Legacy zones of interest. These areas have been updated and expanded since 1999, with the current zone of interest coverage depicted in Appendix 8.

Forest Legacy projects require a 25% non-federal match.

- c. **State Wildlife Grants** ([http://www.teaming.com/state\\_wildlife\\_grants.htm](http://www.teaming.com/state_wildlife_grants.htm)) - The State Wildlife Grants Program provides funding to every state and territory to support cost effective conservation aimed at keeping wildlife from becoming endangered. This program continues the long history of cooperation between the federal government and the states for managing and conserving wildlife species, going back to landmark laws like the 1937 Pittman-Robertson Wildlife Restoration Act and the 1950 Dingell-Johnson Sport Fish Restoration Act. For more information on this program, visit the [Teaming With Wildlife](#) web site.

In order to receive federal funds through the [State Wildlife Grants](#) program, Congress charged each state and territory with developing a state Comprehensive Wildlife Conservation Strategy (CWCS). These strategies will outline species and habitat priorities and the actions that need to be taken to conserve them.

Tennessee recently completed its Comprehensive Wildlife Conservation Strategy, which identified species of greatest conservation need in the state, and develop strategies for their conservation. Priority habitats for conserving aquatic, terrestrial and karst (cave) species are being identified as a part of the CWCS planning project. More information can be found at <http://www.state.tn.us/twra/wildlife/cwcs/cwcsindex.html>

- d. **Recreation Trails Program (RTP)** – Through the federal Safe, Accountable, Flexible, Efficient Transportation Equity Act for the 21<sup>st</sup> Century, approximately \$1.2 million is available statewide for recreation trail projects every other year. Eligible applicants include state, federal, and local government agencies and private organizations. Public/private partnerships are also encouraged. Projects are funded at 80% with a 20% match requirement (qualifying in-kind matches are allowed). The intent of this program is to fund backcountry trail projects.
- e. **Land and Water Conservation Fund (LWCF)** – Approximately \$3 million is available annually through the LWCF Act of 1965 to be distributed every other year for outdoor recreation projects. Only state and local government agencies are eligible to apply for these federal funds. A 50% match is required, but in-kind matches are allowed within certain guidelines. Eligible trail related activities are the same as the LPRF uses mentioned above.
- f. **Endangered Species (Section 6) Grants** (<http://endangered.fws.gov/grants/>) – two grant programs under the auspices of the Endangered Species act provide potential for land acquisition: 1) Habitat Conservation Plan Land Acquisition Grants, and; 2) Recovery Land Acquisition Grants.

- i. Habitat Conservation Plan Land Acquisition Grants – require that a Habitat Conservation Plan (HCP) be developed and approved for the area of interest. HCP includes an incidental take permit that is issued by the USFWS to a permittee, which allow activities that result in the incidental take of federally listed species. Land acquisition grants can be used to acquire lands associated with approved HCP's. Match requirements are 25% non-federal (10% non-federal when two or more states implement a joint project). Tennessee is currently working with the state of Kentucky to develop an HCP for the Northern Cumberlands of Tennessee and Kentucky.
- ii. Recovery Land Acquisition Grants – these grants can be used to acquire lands in support of approved recovery goals and objectives for federally listed species. Match requirements are 25% non-federal (10% non-federal when two or more states implement a joint project).

## **2. National Fish and Wildlife Foundation (NFWF)**

- a. Acres for America Program ([http://www.nfwf.org/grant\\_apply.cfm](http://www.nfwf.org/grant_apply.cfm)) - this is a new land acquisition program that NFWF is implementing in partnership with Wal-Mart Corporation. Total grant funds in the amount of approximately \$3.1 million per year are available on a competitive basis. Match requirement is 1:1, but higher match ratios will probably be necessary to be competitive. Federal funds can be used as match.

## **3. Conservation Easements**

- a. Forest Legacy program – see description above
- b. The following programs administered by USDA offer potential for conservation easements. Depending on the program, easements of 30 years, or permanent easements are possible. The Healthy Forests Reserve program has options for 30-year or 99-year easements.
  - i. Wetlands Reserve Program (<http://www.nrcs.usda.gov/programs/wrp/>)
  - ii. Grassland Reserve Program (<http://www.nrcs.usda.gov/programs/GRP/>)
  - iii. Healthy Forests Reserve Program (<http://www.nrcs.usda.gov/programs/HFRP/ProgInfo/HFRPPProgramInfo.html>)
  - iv. Farm and Ranchland Protection Program (<http://www.nrcs.usda.gov/programs/frpp/>)

- 4. **Local Park and Recreation Fund (LPRF)** – Approximately \$7 million is available every other year from the State of Tennessee for the acquisition, development and rehabilitation of park and recreation land and facilities, including recreation trails. Only cities and counties are eligible to apply. A 50% match is required, but in-kind matches are allowed within certain guidelines.

- 5. **Natural Resources Trust Fund (NRTF)** – A small fund authorized by TCA 11-14-304. Grants from the NRTF may be awarded to all eligible local governmental entities and state areas for outdoor recreation, historical or archaeological sites, the acquisition of lands, waters, or interests in land and waters.

## RTP, LPRF and LWCF Applications:

The application deadline for the next formal grant cycle has not yet been established, but will be in Spring 2006. For an application contact: Tennessee Department of Environment and Conservation, Recreation Educational Services Division, 10<sup>th</sup> Floor L&C Tower, 401 Church St., Nashville, TN 37243-0439; phone 615.532.0748, e-mail: [Alice.Burke@state.tn.us](mailto:Alice.Burke@state.tn.us), or visit the website at: [www.state.tn.us/environment/recreation](http://www.state.tn.us/environment/recreation)

## 6. Private Foundations

- a. National Wild Turkey Federation – The NWTF, through its superfund program, has partnered on several acquisition and development projects that enhance or protect wild turkey habitat as well as habitat for other species or that provide access for hunting recreation.
- b. Rocky Mountain Elk Foundation – With the re-introduction of elk into the upper Cumberland Mountains, RMEF has partnered to help acquire the Sundquist WMA. Recently they have established the Appalachian Initiative with the objective of acquiring and otherwise protecting and managing elk habitats in the southern Appalachian Mountains of Tennessee and Kentucky.
- c. Ducks Unlimited – DU has been very active in wetland conservation in the US and Canada. Potential exists to partner with this organization for most wetlands acquisitions. DU also provides significant funding for enhancement and management of wetlands.
- d. The Nature Conservancy – TNC’s mission is to preserve the plants, animals and natural communities that represent the diversity of life on earth by protecting the lands and waters they need to survive. TNC is a global, member based organization with a very strong presence in Tennessee. They have a history of providing significant support, both funding and science, for important projects in Tennessee.
- e. The Conservation Fund – This national organization helps local, state and federal agencies, and nonprofit organizations acquire property from willing sellers to protect open space, wildlife habitat, public recreation areas, river corridors and historic places. TCF has partnered with other groups in Tennessee over the past several years on several significant projects including the acquisition of 74,000 acres on the Cumberland Plateau.
- f. State and Local Foundations – There are numerous state and local foundations that have been extremely successful in raising funds or otherwise facilitating protection of special lands in Tennessee. Although this is not a complete listing, some of the more prominent groups include the Tennessee Parks and Greenways Foundation, the Wolf River Conservancy, the North Chickamauga Creek Conservancy, Foothills Land Conservancy, Tennessee River Gorge Trust, Friends of Cordell Hull, South Cumberland Regional Land Trust, Friends of South Cumberland State Recreation Area, Historic Rugby Inc., Friends of Fall Creek Falls, and Bridgestone/Firestone Trust.

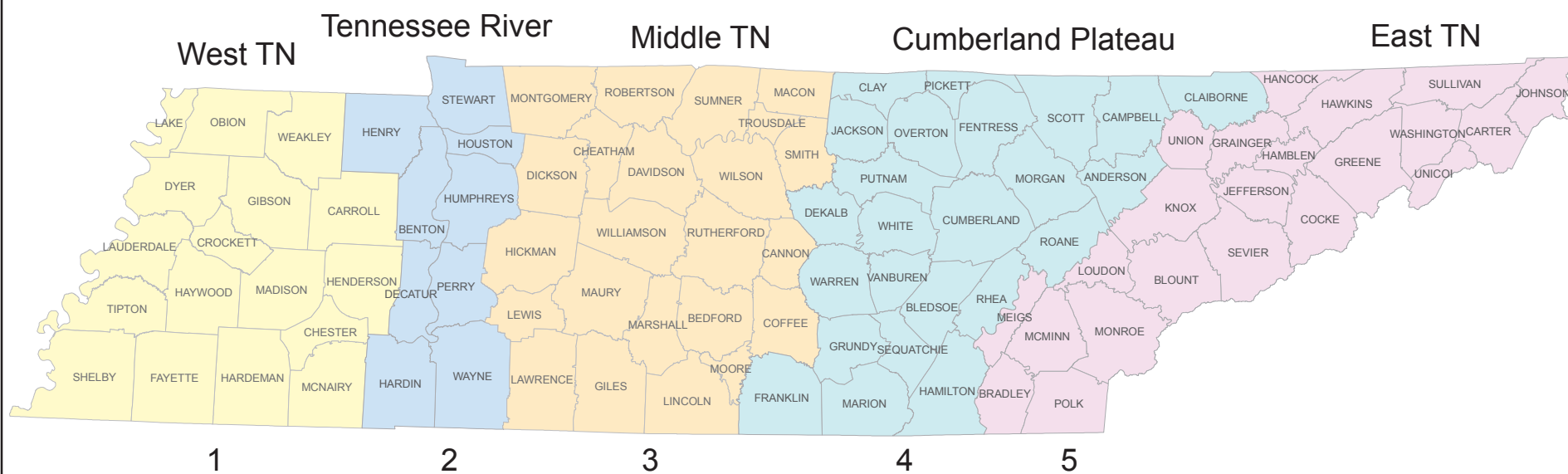
## **GEOGRAPHICAL ORGANIZATION OF THE TENNESSEE HERITAGE CONSERVATION PLAN**

With its east/west orientation, Tennessee transcends a variety of geologic, topographic, and edaphic (soil) conditions or *physiographic provinces*. Such provinces often have distinct plant communities and wildlife habitats from one another. Unlike political boundaries such as counties, the natural communities of physiographic provinces often occur on a continuum, with one gradually being replaced by another. However, one need not be a trained geologist or field biologist to discern between such varied habitats as the cypress-tupelo swamps of West Tennessee, the high-gradient streams of the Blue Ridge Mountains, the gently rolling hills of the Highland Rim, or the hemlock forests of the steep, rugged, dissected gorges of the Cumberland Plateau.

The Tennessee Heritage Conservation Plan has been organized into five regions: West Tennessee, Tennessee River Region, Middle Tennessee, Cumberland Plateau, and East Tennessee. These loosely follow the physiographic provinces of Tennessee, but for planning purposes no one county is divided into multiple regions, and some of the regions contain multiple physiographic provinces. Therefore, some of the conservation targets described herein may differ markedly from other targets in the same region. Likewise, sites in two different regions may have great similarities for they are actually within the same physiographic province. For example, the counties on the western edge of the Cumberland Plateau region have portions which physiographically have an affinity to sites within the Middle Tennessee Region. The map on the following page shows the “Planning Regions” used in this document. They are similar, although not identical to the planning regions used in the 2003 State Recreation Plan.

# Tennessee Heritage Conservation Plan

## Regional Project Areas



**TABLE 2**  
**SUMMARY OF LAND PROTECTION NEEDS**  
**(BY PLANNING REGION)**

PLANNING REGION	PLANNING REGION #	PROJECT	ACRES IN PROJECT AREA	ACRES PROTECTED	ACRES REMAINING TO PROTECT	ACQUISITION ACRES	LAND COSTS	COST/ ACRE	OTHER COSTS	TOTAL COST
West Tenn	1	Archaeological Sites - W. TN	1,822	-	1,822	1,822	7,288,000	4,000	700,000	7,988,000
West Tenn	1	Big Hill Pond SP & Davis Bridge	12,662	4,342	8,320	3,159	9,000,000	2,849	1,000,000	10,000,000
West Tenn	1	Chickasaw State Forest & State Park	14,452	14,227	225	317	281,100	887	69,000	350,100
West Tenn	1	Hatchie Scenic River & Habitat Corridor	94,572	10,285	84,287	84,287	98,500,000	1,169	8,000,000	106,500,000
West Tenn	1	Island 35 and Densford Bar	8,506	-	8,506	8,506	11,057,800	1,300	500,000	11,557,800
West Tenn	1	Loosahatchie Bar & Armstrong Bar	4,813	-	4,813	2,813	5,906,700	2,100	230,000	6,136,700
West Tenn	1	Lower Obion River	30,155	19,052	11,103	11,349	23,204,450	2,045	2,163,166	25,367,616
West Tenn	1	Meeman-Shelby Forest/Eagle Lake	28,311	14,907	13,404	4,665	15,286,150	3,277	1,528,615	16,814,765
West Tenn	1	Middle Fork of Forked Deer Habitat Corridor	43,415	10,432	32,983	22,983	41,369,400	1,800	4,000,000	45,369,400
West Tenn	1	Mid-Miss. Alluvial Valley	120,000	62,064	57,936	40,857	98,645,557	2,414	3,562,244	102,207,801
West Tenn	1	Miss. Valley Lake Fishing Access	3,992	-	3,992	3,992	12,333,892	3,090	1,000,000	13,333,892
West Tenn	1	Natchez Trace Forest, Park & WMA	47,527	45,930	1,597	2,240	633,300	283	162,000	795,300
West Tenn	1	Reelfoot (Philippy Pits/Ibis Hole)	998	-	998	1,248	1,702,340	1,364	160,234	1,862,574
West Tenn	1	Reelfoot (West Bank)	8,068	4,129	3,939	3,059	5,770,125	1,886	577,013	6,347,138
West Tenn	1	Reelfoot Lake-East	18,345	200	18,145	9,993	15,769,035	1,578	1,437,843	17,206,878
West Tenn	1	Reelfoot Lake-South/Lake Isom	14,904	1,850	13,054	9,067	16,514,934	1,821	1,592,361	18,107,295
West Tenn	1	South Fork of Forked Deer	25,685	1,450	24,235	16,279	20,708,000	1,272	2,060,000	22,768,000
West Tenn	1	Stream Fishing Access-W. TN	43	-	43	43	86,000	2,000	8,600	94,600
West Tenn	1	T.O. Fuller State Park	1,265	897	368	369	5,000,000	13,550	400,000	5,400,000
West Tenn	1	Upper Obion River Habitat Corridor	66,295	25,846	40,449	19,101	20,350,000	1,065	1,530,000	21,880,000
West Tenn	1	Wolf River	58,766	17,000	41,766	21,198	24,853,850	1,172	2,281,000	27,134,850
West Tenn		<b>Subtotal</b>	<b>604,596</b>	<b>232,611</b>	<b>371,985</b>	<b>267,347</b>	<b>434,260,633</b>	<b>1,624</b>	<b>32,962,075</b>	<b>467,222,708</b>
Tenn River West	2	Archaeological Sites - TN River Basin D319West	1,388	-	1,388	1,388	5,552,000	4,000	500,000	6,052,000
Tenn River West	2	Baugus Cave	222	-	222	222	222,000	1,000	25,000	247,000
Tenn River West	2	Beason Creek Habitat Corridor	2,950	450	2,500	2,500	3,000,000	1,200	300,000	3,300,000
Tenn River West	2	Beech Creek Bluff Conservation Area	274	-	274	111	111,000	1,000	12,000	123,000
Tenn River West	2	Buffalo River Habitat Corridor	59,349	-	59,349	32,000	45,000,000	1,406	2,000,000	47,000,000
Tenn River West	2	Duck/Buffalo River Confluence	7,500	-	7,500	7,500	12,000,000	1,600	1,100,000	13,100,000
Tenn River West	2	Eagle Creek	61,948	-	61,948	61,948	43,500,000	702	3,000,000	46,500,000
Tenn River West	2	Johnsonville State Historic Area	2,684	498	2,186	1,750	3,700,000	2,114	350,000	4,050,000
Tenn River West	2	Little Beech Creek	32,355	-	32,355	32,355	18,025,000	557	1,805,000	19,830,000
Tenn River West	2	Middle Cypress Creek	1,077	-	1,077	1,077	1,615,500	1,500	150,000	1,765,500
Tenn River West	2	Mousetail Landing SP	2,543	1,235	1,308	654	1,200,000	1,835	120,000	1,320,000
Tenn River West	2	Nathan Bedford Forrest State Park	5,394	2,632	2,762	1,657	3,000,000	1,811	200,000	3,200,000
Tenn River West	2	Paris Landing State Park	773	469	304	153	500,000	3,268	50,000	550,000
Tenn River West	2	Pickwick Landing SP & Dry Creek	16,538	1,592	14,946	13,453	18,000,000	1,338	1,300,000	19,300,000

**TABLE 2**  
**SUMMARY OF LAND PROTECTION NEEDS**  
**(BY PLANNING REGION)**

PLANNING REGION	PLANNING REGION #	PROJECT	ACRES IN PROJECT AREA	ACRES PROTECTED	ACRES REMAINING TO PROTECT	ACQUISITION ACRES	LAND COSTS	COST/ ACRE	OTHER COSTS	TOTAL COST
Tenn River West	2	Rushing Creek Habitat Area	1,950	750	1,200	1,200	3,000,000	2,500	300,000	3,300,000
Tenn River West	2	Stewart State Forest	5,393	4,319	1,074	1,496	875,500	585	106,000	981,500
Tenn River West	2	Stream Fishing Access-TN River Basin West	810	-	810	810	3,652,000	4,509	365,200	4,017,200
Tenn River West	2	The Coalings	10,000	200	9,800	11,220	13,220,000	1,178	1,095,000	14,315,000
Tenn River West	2	Tobaccoport Cave	204	-	204	204	204,000	1,000	18,000	222,000
Tenn River West	2	Walker Branch Conservation Area	1,336	280	1,056	1,111	1,666,500	1,500	130,000	1,796,500
Tenn River West	2	White Oak Creek	19,000	7,000	12,000	12,000	17,000,000	1,417	1,700,000	18,700,000
Tenn River West	2	Wildcat Hollow & Lacefield Falls SNA	323	-	323	100	110,000	1,100	10,000	120,000
Tenn River West		<b>Subtotal</b>	<b>234,011</b>	<b>19,425</b>	<b>214,586</b>	<b>184,909</b>	<b>195,153,500</b>	<b>1,055</b>	<b>14,636,200</b>	<b>209,789,700</b>
Middle Tenn	3	Archaeological Sites - Middle TN	3,656	-	3,656	3,656	14,620,000	3,999	1,000,000	15,620,000
Middle Tenn	3	Auntney Hollow SNA	1,105	27	1,078	1,078	1,617,000	1,500	140,000	1,757,000
Middle Tenn	3	Barnett's Woods SNA	257	40	217	217	325,000	1,498	25,000	350,000
Middle Tenn	3	Basin Spring SNA	218	-	218	218	327,000	1,500	25,000	352,000
Middle Tenn	3	Billy Swamp	88	-	88	88	150,000	1,698	15,000	165,000
Middle Tenn	3	Bledsoe Creek State Park	925	162	763	381	1,250,000	3,281	125,000	1,375,000
Middle Tenn	3	Blowhole Cave	410	-	410	410	615,000	1,500	50,000	665,000
Middle Tenn	3	Bon Aqua Forest	38	-	38	38	200,000	5,263	20,000	220,000
Middle Tenn	3	Brawleys Fork	934	-	934	934	1,200,000	1,285	130,000	1,330,000
Middle Tenn	3	Bridgewater Cave	130	-	130	130	130,000	1,000	12,000	142,000
Cumb Plateau	3	Briggs Chapel Hollow	10	-	10	10	10,000	1,000	4,000	14,000
Middle Tenn	3	Buffalo State Scenic River	1,917	-	1,917	500	500,000	1,000	45,000	545,000
Middle Tenn	3	Burnt Hill Road Glade	200	-	200	200	300,000	1,500	25,000	325,000
Middle Tenn	3	Caney Fork River Bluffs	50	-	50	50	90,000	1,800	10,000	100,000
Middle Tenn	3	Cedar Grove Glade	109	-	109	100	150,000	1,500	15,000	165,000
Middle Tenn	3	Cedar Hill Swamp	385	153	232	220	330,000	1,500	30,000	360,000
Middle Tenn	3	Cedars of Lebanon State Forest and Park	12,800	9,189	12,800	3,405	6,167,000	1,811	643,000	6,810,000
Middle Tenn	3	Cheatham WMA & Harpeth River State Park	25,000	20,551	4,307	3,447	4,748,000	1,377	430,000	5,178,000
Middle Tenn	3	Collins Trifolium/Rocky Hill Glades	104	-	104	105	157,500	1,500	15,000	172,500
Middle Tenn	3	Cumberland River (Haynes Bottoms/Shelton Ferry)	3,500	971	2,529	1,750	3,502,360	2,001	293,000	3,795,360
Middle Tenn	3	Cumberland River Bluffs	55	-	55	56	99,750	1,781	13,000	112,750
Middle Tenn	3	David Crockett State Park	2,357	1,016	1,341	603	1,250,000	2,073	120,000	1,370,000
Middle Tenn	3	Devil's Backbone SNA	11,242	950	10,292	10,292	15,438,000	1,500	1,000,000	16,438,000
Middle Tenn	3	Dripping Rock Bluff SNA	67	-	67	67	100,200	1,496	10,000	110,200
Middle Tenn	3	Dry Branch	1,171	-	1,171	1,117	1,000,000	895	100,000	1,100,000
Middle Tenn	3	Duck River Habitat Corridor & Scenic River	55,450	17,037	38,413	15,526	20,628,600	1,329	1,648,000	22,276,600
Middle Tenn	3	Duke and Witty Creeks & McMahan Creek	2,024	-	2,024	2,024	2,900,000	1,433	199,000	3,099,000

**TABLE 2**  
**SUMMARY OF LAND PROTECTION NEEDS**  
**(BY PLANNING REGION)**

PLANNING REGION	PLANNING REGION #	PROJECT	ACRES IN PROJECT AREA	ACRES PROTECTED	ACRES REMAINING TO PROTECT	ACQUISITION ACRES	LAND COSTS	COST/ ACRE	OTHER COSTS	TOTAL COST
Middle Tenn	3	Dunbar Cave SNA	578	109	469	117	250,000	2,137	25,000	275,000
Middle Tenn	3	Flat Rock SNA	2,472	846	1,626	1,626	3,252,000	2,000	250,000	3,502,000
Middle Tenn	3	Flint River Bottom SNA	180	-	180	180	179,000	994	15,000	194,000
Middle Tenn	3	Forest Mill Pond SNA	57	-	57	57	112,000	1,956	13,000	125,000
Middle Tenn	3	Gattinger's Glade & Barrens SNA	382	57	325	325	650,000	2,000	50,000	700,000
Middle Tenn	3	Gladeview Barrens SNA & Gladeview Glade	34	-	34	34	50,000	1,471	9,500	59,500
Middle Tenn	3	Grassy Pond	25	-	25	25	30,000	1,197	5,000	35,000
Middle Tenn	3	Harpeth State Scenic River	1,662	-	1,662	500	750,000	1,500	60,000	810,000
Middle Tenn	3	Haskins Chapel Rd/Rattlesnake Lodge Cedar Glades	483	-	483	483	750,000	1,553	60,000	810,000
Middle Tenn	3	Haws Spring Fork	152	-	152	152	152,000	1,000	14,000	166,000
Middle Tenn	3	Hay Hollow	3	-	3	3	5,000	1,667	4,000	9,000
Middle Tenn	3	Henry Horton State Park	3,973	1,177	2,796	1,677	4,000,000	2,385	400,000	4,400,000
Middle Tenn	3	Herron (Herring) Cave	300	-	300	300	450,000	1,500	40,000	490,000
Middle Tenn	3	Hickman County Bat Cave	918	-	918	918	918,000	1,000	80,000	998,000
Middle Tenn	3	Hill Creek & Cave	21	-	21	21	21,000	1,000	4,000	25,000
Middle Tenn	3	Lane Farm	715	-	715	715	1,720,500	2,406	170,000	1,890,500
Middle Tenn	3	Langford Branch SNA	951	23	928	928	928,000	1,000	75,000	1,003,000
Middle Tenn	3	Lewis State Forest	4,637	1,300	3,337	3,233	1,543,200	477	302,000	1,845,200
Middle Tenn	3	Lincoln County Bat Cave	221	-	221	221	221,000	1,000	18,000	239,000
Middle Tenn	3	Little Grinders Creek/Hick Hill WMA	2,451	-	2,451	2,451	2,451,000	1,000	200,000	2,651,000
Middle Tenn	3	Long Hunter State Park	12,921	2,486	10,435	4,725	13,123,000	2,777	1,313,000	14,436,000
Middle Tenn	3	Long Pond Slough	1,000	80	920	920	1,700,000	1,848	170,000	1,870,000
Middle Tenn	3	Manus Road Cedar Glade SNA	1,294	15	1,279	1,279	1,918,500	1,500	140,000	2,058,500
Middle Tenn	3	May Prairie SNA/Hickory Flats WMA	2,005	961	1,044	1,048	1,600,000	1,527	100,000	1,700,000
Middle Tenn	3	McMinn's & Rising Sun Bluffs	150	-	150	150	225,000	1,500	20,000	245,000
Middle Tenn	3	Mill Creek	1,521	-	1,521	1,520	3,040,000	2,000	250,000	3,290,000
Middle Tenn	3	Montgomery Bell State Park	9,160	3,850	5,310	2,295	7,000,000	3,050	700,000	7,700,000
Middle Tenn	3	Mount View SNA	29	-	29	29	29,000	1,000	5,000	34,000
Middle Tenn	3	Mullberry Bridge Bluff	59	-	59	25	25,000	1,000	4,000	29,000
Middle Tenn	3	Old Stone Fort State Archaeological Park	1,051	736	315	158	300,000	1,899	30,000	330,000
Middle Tenn	3	Overbridge SNA	220	70	150	150	225,000	1,500	18,000	243,000
Middle Tenn	3	Parks Creek Swamp & Hwy 53 Barrens	150	-	150	150	150,000	1,000	12,000	162,000
Middle Tenn	3	Philadelphia & Textbook Glades	92	-	92	92	92,000	1,000	18,000	110,000
Middle Tenn	3	Pickadilly Prairie	16	-	16	16	20,000	1,250	5,500	25,500
Middle Tenn	3	Piper Caves	115	-	115	115	115,000	1,000	10,000	125,000
Middle Tenn	3	Porters Bluff	67	-	67	67	100,500	1,500	10,000	110,500
Middle Tenn	3	Radnor Lake SNA	1,676	1,140	536	107	2,345,500	21,921	245,000	2,590,500



**TABLE 2**  
**SUMMARY OF LAND PROTECTION NEEDS**  
**(BY PLANNING REGION)**

PLANNING REGION	PLANNING REGION #	PROJECT	ACRES IN PROJECT AREA	ACRES PROTECTED	ACRES REMAINING TO PROTECT	ACQUISITION ACRES	LAND COSTS	COST/ ACRE	OTHER COSTS	TOTAL COST
Middle Tenn	3	Ridgetop Barrens	10	-	10	10	15,000	1,500	4,000	19,000
Middle Tenn	3	Rutledge Falls	17	-	17	17	35,000	2,059	3,000	38,000
Middle Tenn	3	Salt Lick Creek Forest	172	-	172	172	172,000	1,000	15,000	187,000
Middle Tenn	3	Sandy Mitchell Hollow	50	-	50	50	50,000	1,000	5,000	55,000
Middle Tenn	3	Scales Mountain Knobs SNA	88	-	88	88	132,000	1,500	10,000	142,000
Middle Tenn	3	Short Mountain SNA & Sanctuary	1,643	-	1,643	1,643	1,643,000	1,000	125,000	1,768,000
Middle Tenn	3	Short Springs SNA	1,115	401	714	695	750,000	1,079	75,000	825,000
Middle Tenn	3	South Berlin Glade	46	-	46	46	46,000	1,000	6,000	52,000
Middle Tenn	3	Southwestern Highland Rim Habitat Project	250,000	17,556	232,444	86,375	57,597,400	667	1,200,000	58,797,400
Middle Tenn	3	Spring Creek Bottoms & Glades	1,354	-	1,354	1,500	1,500,000	1,000	125,000	1,625,000
Middle Tenn	3	Stillhouse Hollow Falls & Rattlesnake Falls	1,136	90	1,046	1,045	1,570,500	1,503	155,000	1,725,500
Middle Tenn	3	Stream Fishing Access-Mid TN	1,417	-	1,417	1,417	12,372,000	8,731	1,237,200	13,609,200
Middle Tenn	3	Sullenger Bend SNA	3	-	3	3	15,000	5,000	5,000	20,000
Middle Tenn	3	Summitville Mountain Spring	291	-	291	291	291,000	1,000	24,000	315,000
Middle Tenn	3	Sunnybell Glade SNA	741	36	705	705	1,057,000	1,499	80,000	1,137,000
Middle Tenn	3	Taylor Hollow SNA	670	173	497	497	745,000	1,499	65,000	810,000
Middle Tenn	3	The Swamps	433	-	433	433	650,000	1,501	45,000	695,000
Middle Tenn	3	Turnbull Creek	400	-	400	400	592,500	1,481	55,000	647,500
Middle Tenn	3	Twin Falls Hollow	24	-	24	24	25,000	1,042	8,000	33,000
Middle Tenn	3	Tynes Glade	10	-	10	10	25,000	2,500	5,000	30,000
Middle Tenn	3	Tyree Springs	35	-	35	35	52,500	1,500	5,000	57,500
Middle Tenn	3	Wayside Swamp	47	-	47	47	59,000	1,261	6,000	65,000
Middle Tenn	3	Willoughby Tract	1,009	-	1,009	1,009	1,500,000	1,487	150,000	1,650,000
Middle Tenn		<b>Subtotal</b>	<b>436,654</b>	<b>81,202</b>	<b>364,499</b>	<b>169,947</b>	<b>209,141,510</b>	<b>1,231</b>	<b>14,395,200</b>	<b>223,536,710</b>
Cumb Plateau	4	Alpine Mountain	145,870	-	145,870	10,000	5,500,000	550	500,000	6,000,000
Cumb Plateau	4	Ament Cave	3	-	3	91	500,000	5,495	50,000	550,000
Cumb Plateau	4	Antioch Bridge	336	-	336	336	750,000	2,233	60,000	810,000
Cumb Plateau	4	Archaeological Sites - Cumb. Plateau	1,075	-	1,075	1,075	3,750,000	3,488	350,000	4,100,000
Cumb Plateau	4	Berry Cave	877	-	877	897	1,110,000	1,237	110,000	1,220,000
Cumb Plateau	4	Big Mouth Cave	524	-	524	524	300,000	572	33,000	333,000
Cumb Plateau	4	Big Woods	945	-	945	945	1,300,000	1,375	100,000	1,400,000
Cumb Plateau	4	Blooin Hollow	538	-	538	538	900,000	1,672	75,000	975,000
Cumb Plateau	4	Booker T Washington State Park	657	432	225	112	500,000	4,464	50,000	550,000
Cumb Plateau	4	Boyd Barrens	19	-	19	19	40,000	2,115	8,000	48,000
Cumb Plateau	4	Brady Mountain	6,454	-	6,454	6,454	6,454,400	1,000	250,000	6,704,400
Cumb Plateau	4	Buck Creek Cove	600	-	600	600	600,000	1,000	60,000	660,000

**TABLE 2**  
**SUMMARY OF LAND PROTECTION NEEDS**  
**(BY PLANNING REGION)**

PLANNING REGION	PLANNING REGION #	PROJECT	ACRES IN PROJECT AREA	ACRES PROTECTED	ACRES REMAINING TO PROTECT	ACQUISITION ACRES	LAND COSTS	COST/ ACRE	OTHER COSTS	TOTAL COST
Cumb Plateau	4	Caney Hollow Cave	7	-	7	7	12,000	1,815	3,000	15,000
Cumb Plateau	4	Carter Cave SNA	8,056	373	7,683	1,056	820,000	776	80,000	900,000
Cumb Plateau	4	Carter Mountain	161,550	21,499	140,051	38,460	38,000,000	988	1,800,000	39,800,000
Cumb Plateau	4	Catoosa	110,000	79,700	30,300	10,600	15,100,100	1,425	1,500,000	16,600,100
Cumb Plateau	4	Cedar Creek Sullivantia	82	-	82	82	253,000	3,073	30,000	283,000
Cumb Plateau	4	Chimney Rock	1,290	-	1,290	1,183	1,100,000	930	83,000	1,183,000
Cumb Plateau	4	Chimneys SNA	5,390	33	5,357	5,360	4,000,000	746	300,000	4,300,000
Cumb Plateau	4	Clifty Creek Gorge	210	-	210	210	150,000	714	16,000	166,000
Cumb Plateau	4	Colditz Cove SNA	503	0	503	503	325,000	646	25,000	350,000
Cumb Plateau	4	Cordell Hull State Historic Park	206	45	161	42	136,200	3,258	21,000	157,200
Cumb Plateau	4	Cove Lake State Park	840	581	259	51	150,000	2,941	20,000	170,000
Cumb Plateau	4	Cowan Tunnel	127	-	127	127	100,000	789	15,000	115,000
Cumb Plateau	4	Cumberland Mountain State Park	1,685	1,543	142	142	135,000	951	15,000	150,000
Cumb Plateau	4	Cumberland Trail	158,379	7,938	150,441	158,379	95,000,000	600	2,500,000	97,500,000
Cumb Plateau	4	Cummings Cove	19,390	4,391	14,999	1,500	1,200,000	800	100,000	1,300,000
Cumb Plateau	4	Cummings Lake	134	-	134	134	100,000	745	15,000	115,000
Cumb Plateau	4	Dry Creek Ravine	978	560	418	418	400,000	956	50,000	450,000
Cumb Plateau	4	Edwards Point Sandstone Outcrops	52	21	31	31	60,000	1,958	8,000	68,000
Cumb Plateau	4	English Cave	176	-	176	176	245,000	1,394	20,000	265,000
Cumb Plateau	4	Goose Pond	35	-	35	35	65,000	1,880	7,000	72,000
Cumb Plateau	4	Grassy Creek Cave	6	-	6	6	15,000	2,660	5,000	20,000
Cumb Plateau	4	Grindstone Mountain & Geologic Feature	813	-	813	813	1,400,000	1,722	100,000	1,500,000
Cumb Plateau	4	Grundy Forest SNA/Fiery Gizzard	16,317	807	15,510	5,631	2,468,700	438	197,000	2,665,700
Cumb Plateau	4	Grundy Lakes	928	176	752	451	450,000	998	50,000	500,000
Cumb Plateau	4	Harper Road - Sycamore Branch	3	-	3	3	10,000	3,534	4,000	14,000
Cumb Plateau	4	Harrison Bay State Park	2,348	1,660	688	344	1,100,000	3,198	100,000	1,200,000
Cumb Plateau	4	Hawkins Cove East	75	-	75	75	65,000	864	8,000	73,000
Cumb Plateau	4	Hicks Gap SNA	1,580	343	1,237	1,237	1,050,000	849	80,000	1,130,000
Cumb Plateau	4	Hubbards Cave SNA	1,252	51	1,201	1,202	700,000	582	50,000	750,000
Cumb Plateau	4	Indian Mountain State Park	913	254	659	264	500,000	1,894	30,000	530,000
Cumb Plateau	4	Issac Spring Pond	20	-	20	20	15,000	756	4,000	19,000
Cumb Plateau	4	Laurel Snow SNA	4,100	698	3,402	710	600,000	845	45,000	645,000
Cumb Plateau	4	Lee Farm	56	-	56	56	40,000	715	7,000	47,000
Cumb Plateau	4	Lees Station Road Barrens	3	-	3	3	5,000	1,453	3,000	8,000
Cumb Plateau	4	Lone Montain State Forest	3,979	3,623	356	402	498,400	1,240	68,000	566,400
Cumb Plateau	4	Lost Creek Cave-White County	3	-	3	3	6,000	1,948	3,000	9,000
Cumb Plateau	4	Magendanz Falls SNA	16	-	16	16	35,000	2,124	6,000	41,000

**TABLE 2**  
**SUMMARY OF LAND PROTECTION NEEDS**  
**(BY PLANNING REGION)**

PLANNING REGION	PLANNING REGION #	PROJECT	ACRES IN PROJECT AREA	ACRES PROTECTED	ACRES REMAINING TO PROTECT	ACQUISITION ACRES	LAND COSTS	COST/ ACRE	OTHER COSTS	TOTAL COST
Cumb Plateau	4	Marion County Sinkhole Site	8	-	8	8	10,000	1,253	3,000	13,000
Cumb Plateau	4	Meadow Creek Seep	8	3	5	8	10,000	1,250	3,000	13,000
Cumb Plateau	4	Measles Gulf and Cave	4	-	4	4	5,000	1,232	3,000	8,000
Cumb Plateau	4	Meredith Cave	7	-	7	7	20,750	3,012	4,000	24,750
Cumb Plateau	4	Mill Cave	5	-	5	5	10,000	2,174	3,000	13,000
Cumb Plateau	4	Mill Creek Hemlocks Site	83	-	83	83	200,000	2,421	25,000	225,000
Cumb Plateau	4	Mingo Swamp	5,909	371	5,538	5,033	4,532,500	901	312,000	4,844,500
Cumb Plateau	4	Mud Creek Swamp	137	-	137	137	100,000	732	15,000	115,000
Cumb Plateau	4	Norris Dam State Park	3,976	2,799	1,177	705	2,100,000	2,979	250,000	2,350,000
Cumb Plateau	4	North Chickamauga Creek	44,152	5,626	38,526	22,661	24,463,440	1,080	1,223,000	25,686,440
Cumb Plateau	4	Old CCC Road Barking Treefrog Pond	72	-	72	69	120,000	1,739	8,200	128,200
Cumb Plateau	4	Old Hog Lot Orchid Site	3	-	3	3	10,000	2,941	3,000	13,000
Cumb Plateau	4	Old Turnpike Road	949	234	715	716	600,000	838	40,000	640,000
Cumb Plateau	4	Ozone Falls	204	26	178	190	182,000	958	18,000	200,000
Cumb Plateau	4	Peters Bridge Sandstone Rockhouses	108	-	108	108	125,000	1,155	15,000	140,000
Cumb Plateau	4	Pickett State Forest/WMA	27,986	20,519	7,467	7,039	5,446,100	774	525,000	5,971,100
Cumb Plateau	4	Piney River Stinging Fork & Piney Falls SNA	65,956	1,014	64,942	8,042	5,600,000	696	400,000	6,000,000
Cumb Plateau	4	Plantation Pond	18	-	18	20	15,000	750	5,000	20,000
Cumb Plateau	4	Powell River Preserve	274	30	244	244	250,000	1,027	25,000	275,000
Cumb Plateau	4	Prentice Cooper State Forest	28,545	27,083	1,462	1,017	1,290,900	1,269	140,000	1,430,900
Cumb Plateau	4	Roaring Creek Gorge	1,535	-	1,535	1,535	1,600,000	1,042	100,000	1,700,000
Cumb Plateau	4	Roaring River/Roaring Fork/Spring Creek SNA	4,440	118	4,322	1,000	1,500,000	1,500	130,000	1,630,000
Cumb Plateau	4	Rock Island State Park	2,000	1,208	792	792	4,000,000	5,051	200,000	4,200,000
Cumb Plateau	4	Rugby SNA	961	323	638	638	650,000	1,019	65,000	715,000
Cumb Plateau	4	Rumbling Falls Cave System	10,135	1,288	8,847	8,847	6,000,000	678	300,000	6,300,000
Cumb Plateau	4	Savage Gulf	35,138	14,361	20,777	21,277	14,372,000	675	628,000	15,000,000
Cumb Plateau	4	Scott's Gulf	122,213	40,266	81,947	29,641	20,856,700	704	1,382,000	22,238,700
Cumb Plateau	4	Sequatchie Cave	346	8	338	338	250,000	740	25,000	275,000
Cumb Plateau	4	Sgt Alvin C. York State Historic Park	623	400	223	145	226,900	1,565	25,000	251,900
Cumb Plateau	4	Sherwood Escarpment	1,261	-	1,261	1,261	1,200,000	952	100,000	1,300,000
Cumb Plateau	4	Slickrock Branch/Paint Rock Creek	17	-	17	17	17,000	1,008	3,000	20,000
Cumb Plateau	4	Spencer Powerline Seeps	78	-	78	78	60,000	771	8,000	68,000
Cumb Plateau	4	Standing Stone State Forest and State Park	9,858	9,436	422	695	569,590	820	77,000	646,590
Cumb Plateau	4	Stream Fishing Access-Cumb Plateau	1,724	-	1,724	1,724	15,870,000	9,205	1,587,000	17,457,000
Cumb Plateau	4	Tanager Hill SNA	85	-	85	10	10,000	1,000	3,000	13,000
Cumb Plateau	4	Tennessee River Gorge	27,000	16,344	10,656	5,000	5,500,000	1,100	300,000	5,800,000
Cumb Plateau	4	Tims Ford State Park	3,566	592	2,974	50	722,000	14,360	78,000	800,000

**TABLE 2**  
**SUMMARY OF LAND PROTECTION NEEDS**  
**(BY PLANNING REGION)**

PLANNING REGION	PLANNING REGION #	PROJECT	ACRES IN PROJECT AREA	ACRES PROTECTED	ACRES REMAINING TO PROTECT	ACQUISITION ACRES	LAND COSTS	COST/ ACRE	OTHER COSTS	TOTAL COST
Cumb Plateau	4	Turkey Creek	311	-	311	311	275,000	884	25,000	300,000
Cumb Plateau	4	Upper Caney Fork	1,393	-	1,393	1,393	800,000	574	75,000	875,000
Cumb Plateau	4	Upper Cumberland Mountains	400,000	143,116	256,884	100,000	48,000,000	480	3,000,000	51,000,000
Cumb Plateau	4	Virgin Falls Pocket Wilderness SNA	3,005	1,378	1,627	1,627	1,200,000	738	100,000	1,300,000
Cumb Plateau	4	Washmorgan Hollow SNA	229	73	156	156	225,000	1,442	25,000	250,000
Cumb Plateau	4	West Morrison Pond & Lowlands Site	43	-	43	43	50,000	1,166	7,000	57,000
Cumb Plateau	4	White Buis Cave & Coonsies Creek Cave	7	-	7	7	20,000	2,849	4,000	24,000
Cumb Plateau	4	White County Wetlands Complex	1,424	74	1,350	1,350	800,000	593	35,000	835,000
Cumb Plateau	4	Whites Creek	7,059	-	7,059	7,000	9,000,000	1,286	50,000	9,050,000
Cumb Plateau	4	Williams Tract	609	-	609	609	470,000	772	30,000	500,000
Cumb Plateau	4	Window Cliffs Protection Planning Site	147	-	147	147	147,000	1,000	13,000	160,000
Cumb Plateau	4	Wolf River White Cedar Site	46	-	46	46	50,000	1,087	8,000	58,000
Cumb Plateau	4	Wolf, Farmer & Cave Coves	1,530	-	1,530	1,530	900,000	588	50,000	950,000
Cumb Plateau		<b>Subtotal</b>	<b>1,474,587</b>	<b>411,418</b>	<b>1,063,169</b>	<b>484,687</b>	<b>368,445,680</b>	<b>760</b>	<b>20,467,200</b>	<b>388,912,880</b>
East Tenn	5	Alcoa Marsh SNA	90	-	90	91	500,000	5,495	50,000	550,000
East Tenn	5	Amber Darter Designated Critical Habitat	369	-	369	150	900,000	6,000	100,000	1,000,000
East Tenn	5	Archaeological Sites - E. TN	1,267	-	1,267	1,267	5,100,000	4,025	500,000	5,600,000
East Tenn	5	Austin Springs	187	-	187	190	550,000	2,895	50,000	600,000
East Tenn	5	Big Ridge State Park	6,400	3,853	2,547	891	2,000,000	2,245	200,000	2,200,000
East Tenn	5	Brooks Island	241	-	241	241	450,000	1,867	50,000	500,000
East Tenn	5	Bull Run Knobs	191	-	191	190	550,000	2,895	50,000	600,000
East Tenn	5	Chandler Cove Falls	8	-	8	8	75,000	9,375	10,000	85,000
East Tenn	5	Clinch State Scenic River	6,951	-	6,951	500	1,850,000	3,700	150,000	2,000,000
East Tenn	5	Conasauga State Scenic River	6,313	0	6,313	500	500,000	1,000	50,000	550,000
East Tenn	5	Davy Crockett Birthplace State Park	631	106	525	210	750,000	3,571	75,000	825,000
East Tenn	5	Doe Mountain	14,846	-	14,846	8,300	8,300,000	1,000	245,000	8,545,000
East Tenn	5	Doe River Gorge	244	-	244	244	300,000	1,230	35,000	335,000
East Tenn	5	Fort Loudoun State Historic Park	1,027	900	127	63	640,000	10,159	64,000	704,000
East Tenn	5	French Broad State Scenic River	1,200	-	1,200	500	500,000	1,000	50,000	550,000
East Tenn	5	Gilliland Glade and Oak forest	9	-	9	10	45,000	4,500	5,000	50,000
East Tenn	5	Hampton Creek Cove SNA	2,262	681	1,581	1,581	3,800,000	2,404	300,000	4,100,000
East Tenn	5	Hiwassee & Ocoee Rivers Rec Area	226	224	2	2	40,000	20,000	10,000	50,000
East Tenn	5	Hiwassee State Scenic River	3,768	-	3,768	500	500,000	1,000	50,000	550,000
East Tenn	5	Horner Cave	535	-	535	530	550,000	1,038	50,000	600,000
East Tenn	5	House Mountain	2,079	850	1,229	1,288	3,400,000	2,640	300,000	3,700,000
East Tenn	5	Hunter Bog SNA and Hunter Marsh	28	-	28	33	110,000	3,333	10,000	120,000

# TABLE 2

## SUMMARY OF LAND PROTECTION NEEDS (BY PLANNING REGION)

PLANNING REGION	PLANNING REGION #	PROJECT	ACRES IN PROJECT AREA	ACRES PROTECTED	ACRES REMAINING TO PROTECT	ACQUISITION ACRES	LAND COSTS	COST/ ACRE	OTHER COSTS	TOTAL COST
East Tenn	5	Indian Cave	14	-	14	14	17,000	1,214	3,000	20,000
East Tenn	5	Kelly Ridge Cave	80	-	80	80	320,000	4,000	30,000	350,000
East Tenn	5	Kyles Ford	2,500	875	1,625	1,550	2,575,500	1,662	200,000	2,775,500
East Tenn	5	Laurel Creek Bog	12	-	12	20	110,000	5,500	15,000	125,000
East Tenn	5	Lick Creek	3,672	1,205	2,467	1,700	4,387,750	2,581	147,000	4,534,750
East Tenn	5	Martha Sundquist Forest	2,217	2,001	216	215	269,800	1,255	28,000	297,800
East Tenn	5	Mascot Cedar Glade	45	-	45	45	200,000	4,444	20,000	220,000
East Tenn	5	Meades Quarry Cave	207	-	207	207	600,000	2,899	50,000	650,000
East Tenn	5	Morril's Cave SNA	61	-	61	61	205,000	3,361	20,000	225,000
East Tenn	5	Mud Flats Cave	217	-	217	216	675,000	3,125	50,000	725,000
East Tenn	5	Panther Creek State Park	2,417	1,304	1,113	390	1,300,000	3,333	130,000	1,430,000
East Tenn	5	Pearson's Cave	452	-	452	450	930,000	2,067	70,000	1,000,000
East Tenn	5	Red Clay State Historic Park	388	71	317	190	400,000	2,105	40,000	440,000
East Tenn	5	Reedy Creek Cove	22	-	22	23	60,000	2,609	10,000	70,000
East Tenn	5	Ripshin Bog	156	-	156	156	450,000	2,885	45,000	495,000
East Tenn	5	Roane Mountain State Park	3,036	2,100	936	468	1,100,000	2,350	120,000	1,220,000
East Tenn	5	Rocky Fork	11,453	-	11,453	9,925	29,000,000	2,922	1,000,000	30,000,000
East Tenn	5	Sensabaugh Cave	66	-	66	65	90,000	1,385	10,000	100,000
East Tenn	5	Smith Bend/Hiwassee Refuge	7,848	3,383	4,465	1,000	3,250,000	3,250	280,000	3,530,000
East Tenn	5	Snake Mountain	720	-	720	360	680,000	1,889	50,000	730,000
East Tenn	5	Stream Fishing Access-E. TN			1,365	1,365	28,166,000	20,634	2,816,000	30,982,000
East Tenn	5	Sycamore Shoals State Park	466	63	403	201	600,000	2,985	60,000	660,000
East Tenn	5	Tuckahoe Creek State Scenic River	1,489	-	1,489	100	280,000	2,800	20,000	300,000
East Tenn	5	Walkertown Branch Bog	46	-	46	46	72,000	1,565	8,000	80,000
East Tenn	5	Watauga Fish Hatchery Site	25	-	25	25	193,000	7,751	19,300	212,300
East Tenn	5	Watauga River Bluffs SNA	394	50	344	343	880,000	2,566	70,000	950,000
East Tenn	5	Wright White Pine Stand SNA	38	-	38	39	115,000	2,949	10,000	125,000
East Tenn		<b>Subtotal</b>	<b>86,913</b>	<b>17,666</b>	<b>70,612</b>	<b>36,543</b>	<b>108,336,050</b>	<b>2,965</b>	<b>7,725,300</b>	<b>116,061,350</b>
		<b>Total</b>	<b>2,836,761</b>	<b>762,322</b>	<b>2,084,851</b>	<b>1,143,432</b>	<b>1,315,337,373</b>	<b>1,150</b>	<b>90,185,975</b>	<b>1,405,523,348</b>



# **APPENDIX 10**

## **TENNESSEE HERITAGE CONSERVATION TRUST FUND ACT OF 2005**

### **CHAPTER NO. 444**

#### **HOUSE BILL NO. 2274**

**By Representatives McMillan, McDonald, Coleman, Moore, Fowlkes, Russell Johnson,  
DuBois, Marrero**

**Substituted for: Senate Bill No. 2259**

**By Senator Kyle**

AN ACT to amend Tennessee Code Annotated Title 11, Chapter 7, relative to acquisition and preservation of land.

WHEREAS, from the hills and mountains of East Tennessee to the Cumberland Plateau to the Mississippi River, Tennessee offers an unparalleled array of natural areas; and

WHEREAS, Tennessee's undeveloped open spaces and undeveloped natural areas are important to our citizens' physical and mental health, the preservation of our state's heritage, and the continued growth and expansion of our state's economy; and

WHEREAS, in recent years there has been a significant increase in the rate at which Tennessee's open spaces are being developed. The United States Department of Agriculture reports that Tennessee lost an average of 100,000 acres of forest land and 75,000 acres of farmland to urbanization and development each year between 1999-2003. As our state continues to grow more urbanized, protecting undeveloped open space and our natural heritage will become a greater challenge; and

WHEREAS, protecting undeveloped open space and the natural heritage of our state is critical to building and maintaining a vibrant economy. One of the fundamental engines of economic growth in the coming years will be the preservation of our state's high quality of life and a key component of the preservation of our quality of life lies in preserving our natural heritage; and

WHEREAS, our state's natural beauty draws thousands of visitors every year, making tourism the second largest industry in Tennessee. The tourism industry employs over 177,000 Tennesseans and contributes more than ten and a half billion dollars each year to our economy; and

WHEREAS, the state's forestry and agricultural industries also are invaluable components of Tennessee's economy, and state government must work to partner with these industries and other interested stakeholders to preserve Tennessee's rich natural heritage and valuable undeveloped open spaces; and

WHEREAS, the establishment of the Tennessee Heritage Conservation Trust Fund will enable the state to collaborate and partner with both public and private entities to permanently preserve some of Tennessee's undeveloped open spaces, while at the same time enhancing and strengthening the state's economy; now, therefore,

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

**11-7-101. Short Title.** This act shall be known and may be cited as the "Tennessee Heritage Conservation Trust Fund Act of 2005".

**11-7-102. Definitions.** As used in this part, unless the context requires otherwise:

(1) "Board" means the governing body of the Tennessee Heritage Conservation Trust Fund.

(2) "Non-profit organization" means an entity that is exempt from federal income taxation under § 501(a) of the Internal Revenue Code as an organization described in §501(c)(3) of the Internal Revenue Code.

(3) "Trust fund" means the Tennessee Heritage Conservation Trust Fund.

**11-7-103. Establishment of trust fund.**

(a) The Tennessee Heritage Conservation Trust Fund is hereby established as a special agency account in the state general fund. The purpose of this trust fund is to assist the state in permanently conserving and preserving tracts of land within the state of Tennessee for the purposes of promoting tourism and recreation, including outdoor activities such as hunting, fishing, equestrian activities and hiking; protecting, conserving and restoring the state's physical, cultural, archeological, historical and environmental resources; and preserving working landscapes.

(b) Moneys in the trust fund shall be invested by the state treasurer in accordance with applicable general law, except as qualified by this part. The state treasurer shall hold the trust fund separate and apart from all other moneys, funds, and accounts.

(c) Any balance remaining unexpended at the end of a fiscal year in the trust fund shall be carried forward into the subsequent fiscal year.

(d) Investment earnings credited to the assets of the trust fund, including but not limited to interest, shall be carried forward into the subsequent fiscal year.

(e) The trust fund is authorized to request and receive gifts, contributions, bequests, donations, and grants from any legal and appropriate source to effectuate its purpose. Any such funds received shall be deposited into the trust fund, provided that if any such items are not in the form of funds, any income, rents, or proceeds generated from them shall be deposited into the trust fund.



(f) The trust fund is authorized to create or establish a non-profit organization which shall also be eligible to request and receive gifts, contributions, bequests, donations and grants from any legal and appropriate source to effectuate the trust fund's purpose.

(g) Moneys in the trust fund and in any non-profit entity created pursuant to subsection (f) shall be expended only in accordance with, and for the purposes stated in, the provisions of this part. No part of the fund shall be diverted to the general fund or any other public fund for any purpose whatsoever.

#### **11-7-104. Establishment of board of trustees.**

(a) There is hereby established the Tennessee Heritage Conservation Trust Fund Board of Trustees. The board shall be attached to the department of environment and conservation for administrative purposes but shall be independent of the department. Expenditures from the trust fund shall be made only upon authorization of the board.

(b) The board shall consist of eleven (11) members.

(1) Trustees shall be appointed by the governor, subject to confirmation by each house of the general assembly, but appointments shall be effective until adversely acted upon by the general assembly.

(2) Persons appointed to the board shall include persons knowledgeable in the areas of land acquisition, management, conservation and protection.

(3) The membership of the board shall appropriately reflect the racial and geographic diversity of this state. At no time shall the membership of the board be composed of more than four (4) members who reside in any one of the grand divisions of the state as defined in Title 4, Chapter 1, Part 2.

(4) The commissioner of environment and conservation, the commissioner of agriculture, and the executive director of the wildlife resources agency, or their designees, shall serve as ex-officio, non-voting members of the board.

(5) The governor shall appoint a board chairperson from the membership of the board. Other officers shall be selected as provided in the bylaws of the fund.

(c) Trustees shall serve four (4) year, renewable terms; provided that of the initial trustees appointed:

(1) Three (3) trustees shall be appointed for an initial term of four (4) years;

(2) Three (3) trustees shall be appointed for an initial term of three (3) years;

(3) Three (3) trustees shall be appointed for an initial term of two (2) years; and

(4) Two (2) trustees shall be appointed for an initial term of one (1) year.

(d) Should a board position become vacant through resignation, removal, or other cause, the governor shall appoint a new member to serve the unexpired term, subject to confirmation of each house of the general assembly as provided in (b). Trustees shall continue to serve on the board after the expiration of their term until a new trustee is appointed.

(e) A quorum of the board shall be seven (7) trustees.

(f) Trustees shall receive no compensation for their service on the board, but may be reimbursed for those expenses allowed by the provisions of the comprehensive travel regulations as promulgated by the department of finance and administration and approved by the attorney general and reporter.

(g) The board shall adopt and implement a policy related to conflicts of interest to ensure that all trustees avoid any situation that creates an actual or perceived conflict of interest related to the work of the trust fund.

(h) The board shall submit an annual report to the governor, speaker of the house, speaker of the senate, comptroller of the treasury, chairperson of the senate environment, conservation and tourism committee, chairperson of the house conservation and environment committee, chairperson of the senate government operations committee, and chairperson of the house government operations committee by June 30 of each year. Such report shall include detailed information on the operation and financial status of the trust fund and any non-profit entity created pursuant to 11-7-103(f).

(i) The trust fund and any non-profit entity created pursuant to 11-7-103(f) shall be subject to an annual audit by the comptroller of the treasury, and the trust fund or entity shall bear the full costs of this audit.

(j) Operating expenses of the board and its staff shall be paid from the fund.

#### **11-7-105. Authority of board of trustees**

In carrying out the purposes of the trust fund, the board is authorized to do the following:

(1) Acquire for the state, by purchase or by donation, and convey, sell, exchange, lease or otherwise transfer any interest in real property; however, the board does not have the power of eminent domain;

(2) Make grants or loans to state, federal or local governments and to non-profit organizations in order to carry out the purposes of this part including, but not limited to, grants or loans provided to acquire a fee simple or other interest in real property;

(3) Enter into contracts and cooperative agreements, other than grants or loans pursuant to subsection (b), with state, federal and local governments, with private individuals and corporations, and with associations and organizations as the trust fund may deem necessary or convenient to enable it to carry out the purposes of this part;

(4) Adopt, amend and repeal bylaws;

(5) Appoint an executive director of the fund and such other staff as is necessary to carry out the provisions of this part;

(6) Adopt policies and guidelines for the use of the trust fund, including the procedure for identifying projects, establishing conservation priorities and allocating money from the trust fund; and

(7) Take any other necessary actions to carry out the provisions of this part.

#### **11-7-106. Grants and loans from trust fund**

(a) The board shall make grants or loans pursuant to 11-7-105 only after the recipient entity has entered into an agreement with the trust fund, on the terms and conditions specified by the board. After approving a grant or loan, the board may assist the grantee in carrying out the purposes of the grant.

(b) When awarding grants or making loans pursuant to this section, the board may require repayment of those funds on the terms and conditions it deems appropriate. Proceeds from the repayment or reimbursement of amounts granted or loaned by the board shall be deposited in the fund.

(c) Any entity applying for a grant or loan from the trust fund to acquire an interest in real property shall specify the following in the grant or loan application:

(1) The intended use of the property;

(2) The intended ultimate owner of the property;

(3) The entity that will be responsible for managing the property;

(4) The funding source for the cost of ongoing management; and

(5) Any other information required by the board.

(d) Any entity applying for a grant or loan from the trust fund to acquire an interest in real property shall provide a copy of the organization's most recent audited annual financial statements. Such statements must have been prepared within two (2) years of the date of the grant application.

(e) In order to receive a grant from the trust fund to assist in the acquisition of any interest in real property, a public agency or nonprofit organization must enter into an agreement with the board. The terms of such agreement shall include the following:

- (1) The terms under which the interest in real property is ultimately acquired shall be subject to the board's approval;
- (2) The interest in real property acquired under the grant shall not be used as security for a debt unless the board approves the transaction;
- (3) The board shall take appropriate action to protect the public interest in the acquisition by ensuring that the land will be permanently conserved. In meeting this obligation, the board shall employ appropriate means, including but not limited to the acquisition of conservation easements or reversionary interests;
- (4) Any subsequent transfer of an interest in the real property acquired pursuant to this part shall be subject to approval of the board, and a new agreement sufficient to protect the public interest shall be entered into between the board and the transferee;
- (5) A description of the level of use that will be allowed on the property. In awarding grants pursuant to this chapter, the board shall take appropriate action to ensure the preservation of a public benefit that is consistent with the public interest in the acquisition;
- (6) A requirement that the public agency or nonprofit organization provide to the state an independent appraisal of the fair market value of the interest in real property to be acquired; and
- (7) A requirement that the public agency or nonprofit organization provide to the state a copy of a financial audit of the agency or organization that has been prepared by an independent public accountant for the most recent completed fiscal year. In addition, the agency or organization shall be required to provide the state with such an audit for subsequent fiscal years during the term of the grant agreement.

#### **11-7-107. Acquisition and disposition of real property interests**

Acquisitions and disposals of any interest in real property, other than the acquisition of conservation easements and reversionary interests, acquired for the state by the trust fund or the nonprofit organization created under 11-7-103(f) shall be subject to the requirements of § 4-15-102(d) and § 12-2-112. Notwithstanding any other law to the contrary, the acquisition of conservation easements and reversionary interests by the trust fund and the acquisition of any interest in real property by a non-state public agency or a nonprofit organization using grant funds received from the trust fund shall only require that such real property interest be promptly

reported to the state building commission and shall not be subject to § 4-15-102(d) or § 12-2-112 or any other approval otherwise required by state law.

#### **11-7-108. Tax exemption**

Real property in which the trust fund acquires a fee simple interest for the state shall be exempt from all state and local property taxes.

#### **11-7-109. Conservation compensation fund; certification of tax exempt real property**

(a) There is hereby created a special agency account in the state general fund to be known as the conservation compensation fund. Expenditures from such fund shall only be made to implement and effectuate the purposes of this part. Funds deposited in such fund shall not revert at the end of any fiscal year and all interest accruing on investments and deposits of the fund shall be returned to and made a part of the fund.

(b) On or before January 1 of each year, the commissioner of finance and administration shall certify to the comptroller of the treasury such information as is necessary to identify the parcels of property which have been rendered tax exempt through acquisition by the state pursuant to this part. The comptroller of the treasury shall determine the appropriate tax rate and assessed value of each such parcel of property, and on or before March 1 of each year, shall certify to the commissioner of finance and administration the amount of property tax revenue lost by each affected city or county the prior calendar year. The assessed value shall be based on the use value provided for in title 67, chapter 5, part 10, if the property is of sufficient size to have been classified under that part. Acquisition by the state pursuant to this part of property classified under title 67, chapter 5, part 10, shall not constitute a change in the use of the property, and no rollback taxes shall become due solely as a result of such acquisition. If the property is not of sufficient size to have been classified under title 67, chapter 5, part 10, the assessed value shall be determined according to the same basis as other like property within the jurisdiction. Each subsequent yearly reimbursement amount shall be based on the same assessed value, tax rate and use in effect on the date of purchase. The commissioner of finance and administration shall reimburse each affected city and county the amount so determined from funds available in the conservation compensation fund. In any year in which funds available in the conservation compensation fund are insufficient to fully reimburse such cities and counties, the commissioner of finance and administration shall effect a transfer of funds from the Tennessee Heritage Conservation Trust Fund to the conservation compensation fund in an amount sufficient to fully reimburse the affected cities and counties. Funds transferred from the Tennessee Heritage Conservation Trust Fund to the conservation compensation fund along with interest, if any, accruing on such funds after their transfer to the conservation compensation fund, shall be expended to reimburse affected cities and counties only for lands acquired by the state under this chapter.

PASSED: May 27, 2005

APPROVED: June 17, 2005



## **APPENDIX 11**

### **THE PUBLIC LANDS CHALLENGE: PROTECTING TENNESSEE'S NATURAL LANDS FOR FUTURE GENERATIONS**

One in a series of three papers on environmental issues facing Tennessee produced by the Vanderbilt Center for Environmental Management Studies (VCEMS) with the support of the Vanderbilt Institute for Environmental Risk and Resources Management and the Tennessee Conservation League. The views expressed are those of the authors and not necessarily those of any sponsoring organizations.

**July 2002**

## **The Public Lands Challenge: Protecting Tennessee's Natural Lands for Future Generations**

### **Overview**

The State of Tennessee's natural lands are rich in aesthetic beauty and biological diversity. They provide a wide range of public health, recreational, environmental and economic benefits to the State and its citizens. The rapid rate of land development and population growth in the State, however, poses a serious threat to ensuring that sufficient natural lands are protected for future generations. Unlike many states that have taken aggressive steps to protect natural lands in the face of rapid growth and development, Tennessee lacks a comprehensive, coordinated, and well-funded approach to public lands conservation. This paper suggests several approaches that the State should consider for meeting the public lands challenge. These include the development of the following: a strategic vision and plan for public lands that includes a State -wide, comprehensive approach for determining the amount of and location of lands needed to achieve long-term goals and increased integration of the State's conservation and economic development policies; mechanisms for increased coordination among the agencies responsible for public lands conservation; creative funding mechanisms for public lands acquisition; and new approaches for encouraging private land donations and conservation efforts.

### **Problem**

Tennessee is a state of great and diverse natural beauty from the Mississippi River in the West to the Great Smoky Mountains in the East. The State's plentiful mountains, lakes, rivers, wetlands, streams, and abundant wildlife provide recreational opportunities for citizens and tourists and provide habitat to some of the most diverse animal and plant species in the country.<sup>1</sup>

Natural lands provide environmental, economic, and quality of life benefits to Tennessee and its citizens. These benefits are potentially threatened, however, by the rapid rate of land development in the State. Land is being developed at a rate that is seventh highest in the nation. Over 400,000 acres of open space were developed between 1992 and 1997.<sup>2</sup> As the amount of open space decreases across the State and the population grows, it is becoming increasingly important to ensure that natural lands are conserved to allow children and adults to experience the outdoors and to preserve habitat for plants and wildlife.

Despite the tremendous value of open space and natural lands, the State lacks a comprehensive, coordinated vision for the acquisition and protection of its lands for future generations. Land acquisition and management is implemented through a variety of programs which are administered by different agencies. While some agencies informally coordinate their efforts, the State has not provided the vehicle or the resources



for integrating the work of the various programs in a manner that: fosters science-based decision-making on a State-wide basis to identify overall land conservation goals; meets wildlife habitat management requirements; and supports acquisition initiatives over the long term. Other rapidly developing Southern states have taken steps to meet the land conservation challenge by setting state-wide goals for acquiring and preserving land for future generations. For example, the goal of the Georgia Greenspace Program is to permanently preserve at least 20 percent of Georgia's land and water for informal recreation and to protect natural resources.<sup>3</sup> Similarly, the North Carolina General Assembly recently passed a law which provides that it is the goal of the State to protect an additional million acres of farmland, open space, and other conservation land by December 31, 2009.<sup>4</sup>

In addition to lacking a comprehensive approach to land conservation, Tennessee lags behind many other states in the amount of funding it dedicates to land acquisition, and the funding that it does dedicate may be in jeopardy in the face of the State's fiscal problems. States across the country are realizing the critical importance of acquiring and conserving public lands for future generations. In the 2000 and 2001 elections, voters in other states approved ballot measures that provided \$7.5 billion and \$1.7 billion respectively for land conservation.<sup>5</sup> Tennessee dedicates approximately \$10 million per year to land acquisition through a percentage of the real estate transfer tax.<sup>6</sup> In contrast, states both larger and smaller than Tennessee, such as Florida and New Jersey, dedicate \$300 million and \$98 million per year respectively for land acquisition and conservation.<sup>7</sup> Georgia appropriated \$30 million for its Georgia Greenspace Program alone in 2001.<sup>8</sup>

Without a strategic vision and plan, Tennessee is likely to continue to underinvest in the conservation of public lands. Unlike more conspicuous environmental problems that galvanize citizens, such as polluted rivers or smog, preserving Tennessee's natural lands is a less immediately obvious concern. Over fifteen years ago, the Governor's Commission on Tennesseans' Outdoors concluded that: "[an] aggressive program of land acquisition and protection will be necessary to keep pace with expected population increases."<sup>9</sup> To date, that goal has not been fully realized.

### **Why Tennessee Must Meet the Challenge**

Conserving public lands is essential to the State and future generations of its citizens for many reasons, including public health, environmental quality, and economic strength.

#### *Public Health*

It is well documented that spending time in nature has a positive effect on people's sense of well-being. Outdoor recreation in particular is important to public health. As recognized by the Governor's 1986 Commission on Tennesseans' Outdoors: "Refreshment of body and spirit through outdoor recreation is a basic human necessity."<sup>10</sup> Furthermore, preserved land can help mitigate air and water pollutants, which are associated with myriad negative health effects. For example, preserved land can filter water pollution by serving as riparian buffers.<sup>11</sup>

## *Environment*

Tennessee's public lands provide habitat for a wide range of plant, animal, and aquatic life. Tennessee is considered the most biologically diverse inland state in the country.<sup>12</sup> This rich biodiversity provides natural resources for food, fuel, medicines, recreation, climate and flood control, and water filtration.<sup>13</sup> The State's rapid pace of development threatens to destroy plant and animal habitat, which could ultimately result in the destruction of some species. Furthermore, much of the State's biodiversity is aquatic, and the primary threats to it are land development and attendant nonpoint source water pollution, including polluted runoff from paved streets. Conservation of public lands not only protects habitat from development, it also helps preserve the quality of environment so that wildlife can thrive.

## *Economy*

Failure to acquire and manage public lands in the face of continuing growth and development may adversely impact State and local economies. For example, the tourism industry could be harmed, which is a \$9 billion a year industry in Tennessee and the second largest in the State.<sup>14</sup> Over 30 million people annually visit Tennessee's State parks.<sup>15</sup> State parks alone generated approximately \$229 million in sales for lodging, food, and retail items, and produced 4,500 jobs in the regions surrounding the parks in 2000-2001. Secondary multiplier effects added approximately \$146 million in sales for lodging, food, and retail items to this direct income and created an additional 1,857 jobs.<sup>16</sup> In addition, fishing, hunting, and boating licenses generated approximately \$5.7 million for the State in 2001, which is only a fraction of the revenue generated from related expenditures such as food and lodging.<sup>17</sup> Preserving the State's biodiversity and threatened species by conserving land also helps prevent triggering certain legal requirements, such as those under the Endangered Species Act, which can ultimately restrict economic development and business activities.<sup>18</sup> Furthermore, while the new homes, businesses, and roads that have been built in recent years represent important contributions to the State's economy, increased sprawl and the attendant loss of natural lands, if left unchecked, may make it increasingly difficult to continue to attract and maintain businesses and their work forces.

## **Possible Approaches to Meeting the Challenge**

Tennessee could take many approaches to address the public lands challenge. The following are some possible directions that the State should consider. Additional research could help identify other alternatives and determine the best choice or combination of choices:

### *Development of a State Vision and Plan*

Tennessee could initiate an inter-agency effort, led by the governor's office, to develop a long-range and integrated approach to conservation of public lands. The goals could include:

- Identifying objectives for the State's public lands conservation efforts, such as providing recreational opportunities, preserving special lands such as gorges and views, maintaining biodiversity, and preserving environmental quality;
- Working with the State's current land conservation programs to identify and possibly implement a State-wide, comprehensive approach for determining the amount and location of the land needed to achieve these goals over the long term.
- Developing and implementing a plan for achieving the State's public lands acquisition goals, which could include: consideration of possible funding mechanisms, such as private donations and bond issues; use of additional science-based tools, such as geographic information systems; and assessment of whether additional legal authority is required to accomplish acquisition goals, such as broader authorization for the Tennessee Wildlife Resources Agency to acquire uplands, in addition to wetlands.
- Examining the viability and merits of integrating the State's approach to conserving public lands with its growth and economic development policies, as many states are doing across the country. Such integration can be achieved in a wide variety of ways, including the development of so called "green infrastructure plans," which plan for and establish networks of preserved open space and waterways that can help guide growth, prevent haphazard conservation efforts, create wildlife corridors, and protect water quality.<sup>19</sup> Any such efforts should include the State's Office of Economic Development which could, for example, provide support for State and local efforts to attract sustainable businesses.

#### *Establishment of a Mechanism for Inter-Agency Coordination*

Several Tennessee agencies acquire and manage public lands: The Tennessee Department of Environment and Conservation, which acquires and manages land for the state parks and natural areas; the Tennessee Wildlife Resources Agency, which oversees acquisition and management of wildlife management areas; and the Tennessee Department of Agriculture, Division of Forestry, which acquires and manages state forests. The various programs that these agencies administer have different goals, funding, and staff. These programs coordinate on particular projects, but may benefit from the establishment of a vehicle for more systematic and consistent coordination in making acquisition and management decisions and setting long-range goals. An inter-agency task force or similar vehicle, coordinated through the governor's office, could facilitate this linkage and marshal the resources of all the responsible agencies. The task force could include other State agencies that work on related issues and projects, such as the State Department of Transportation, which both acquires and develops public lands. The task force could also coordinate with local governments and regional federal agencies such as the

Environmental Protection Agency and the United States Fish and Wildlife Service. In addition, an advisory group to the interagency group could provide technical expertise and policy direction, and include representatives from non-governmental organizations and businesses. A possible model for such an effort could be the Interagency Wetlands Committee, which oversees the development of a comprehensive wetlands plan for the State.<sup>20</sup>

### *Provision of Adequate Funding*

States across the country, including the Southeast, have developed a wide range of creative approaches to funding land acquisition and conservation. Often these approaches rely on dedicated funding streams for acquiring and managing public lands because reliable and continuous funding cannot be guaranteed through state legislative appropriations processes from year to year. For example, many states and their localities have relied on bond issues to raise funds for land acquisition, including DeKalb County, Georgia, which passed a \$125 million bond measure in 2001 to acquire land for parks and natural areas, preserve green space, and improve parks.<sup>21</sup> Similarly, Orange County, North Carolina passed a \$20 million bond measure for parks, open space, and recreational facilities.<sup>22</sup>

A governor-appointed, multi-stakeholder task force, or similar mechanism, could be useful for developing and possibly implementing innovative funding approaches in Tennessee. Bond issues may be particularly worth exploring because they provide funding that can enable a state to acquire critical lands as they become available, rather than requiring the State to wait until annual funding is available or has accumulated. During such delays, critical property can be taken off the market or increase substantially in price. For instance, more than 300,000 acres of industry-owned forestland has been put on the market in the last two years in Tennessee, but the State has had inadequate resources to capture critical parcels before they were subdivided.<sup>23</sup>

Tennessee law specifically authorizes the use of monies deposited in the State lands acquisition fund to be used as a revenue stream to pay the principal of and interest on revenue bonds.<sup>24</sup> States and localities across the country have used similar approaches to fund bond issues. In Arnold, Missouri, for example, voters passed a six-year sales tax, and by bonding against the income will generate an estimated \$4 million for local park acquisition, storm water control, and recreational facilities.<sup>25</sup> The Florida Forever initiative, a ten-year, \$3 billion program passed by the State legislature, is funded by bonds backed by the State's tax on the transfer of real estate.<sup>26</sup>

The task force or similar group could also examine whether there are current funds that could be redirected to land conservation. For example, the State could consider whether gas tax revenues generated from water-based fuel docks used by motorboats in Tennessee waterways could be redirected for land acquisition that could help protect rivers and lakes. In addition, opportunities for leveraging private donations and dollars in a more strategic and focused manner could be explored. Finally, the task force or group could determine whether the State is leveraging all available federal dollars and not missing any

important opportunities to fund land acquisition by using existing funds to match federal dollars.

In addition to leveraging private and federal funding and redirecting existing sources of revenue, the State could consider the structure of self-funding mechanisms such as user and facility fees in the State parks, and opportunities to outsource certain hospitality functions.

### *Encouragement of Private Donations*

States across the country are adopting programs that encourage private landowners to conserve their lands. These programs take advantage of growing public recognition of the importance of conserving land for future generations and supplement State-directed conservation efforts. In Tennessee alone there are 26 land trusts dedicated to conserving private lands.<sup>27</sup> Tennessee currently provides incentives to certain owners of open space, agricultural, and forest land through its “greenbelt law,” which provides for property to be taxed based on its current use value rather than on the value of the land if potentially converted to another use.<sup>28</sup> Given the success of this tax incentive and the success of other types of incentive programs across the country, Tennessee could consider the adoption of new programs that encourage private land conservation.

Two particularly successful approaches to private land conservation are voluntary conservation easements and purchase of development rights programs. A conservation easement is a legal agreement between a landowner and a private land trust or government agency that limits certain uses of the land in order to protect its conservation value. The landowner continues to own and use the land while a private land trust or government agency holds, monitors, and enforces the terms of the conservation easement. States across the country are providing a range of incentives for landowners to donate conservation easements. Virginia established a State-wide public land trust, The Virginia Outdoors Foundation, which holds conservation easements and has the ability to monitor and enforce their terms. The Foundation often works in partnership with local conservation groups and private land trusts.<sup>29</sup> Tennessee could explore whether there are other steps it could take to encourage voluntary easements through additional financial incentives or through education and outreach about current State and federal incentives.

Purchase of development rights programs focus on the voluntary sale and legal retirement of development rights to land through a conservation easement. The farmer or landowner sells the right to develop the land to a private conservation organization or government agency while retaining title to the land and other property rights, such as the right to farm. In exchange, the landowner is compensated for the difference between the value of the land on the open market and the value as restricted for farmland or open space. For example, Michigan has a purchase of development rights program that is funded through conversion tax revenues on land removed from agricultural production.<sup>30</sup> In addition, in evaluating whether a purchase of development rights program makes sense for Tennessee and its localities, the State could consider participating in related federal programs. For example, the Farmland Protection Program provides funds to state governments to help purchase development rights to keep productive farmland in agricultural use.<sup>31</sup> Kentucky

participates in the federal program and has set up its own implementing program, the Purchase of Agricultural Conservation Easements (PACE) program.<sup>32</sup>

In addition to conservation easements, purchase of development rights programs, and similar tools, donations of private lands can also augment a state's public lands programs. Tennessee's current land conservation programs have succeeded on an ad hoc basis over the years in obtaining corporate donations of lands whenever possible. For example, the Bridgestone/Firestone Corporation donated 10,000 acres of land near Sparta, Tennessee called "Scott's Gulf."<sup>33</sup> Tennessee could consider whether a more strategic, State-wide approach to encouraging such donations would be valuable in forwarding its public lands conservation effort.

This paper is part of a series of white papers on environmental issues in Tennessee. The three papers discuss public lands, nonpoint source water pollution, and the contribution of motor vehicle miles traveled to ozone pollution. These three issues are illustrative of the environmental challenges that Tennessee faces in the coming decade. The focus on these topics, however, is not intended to suggest that these are the only or the most important environmental issues that the State must address. The papers highlight some possible approaches that could be examined further, based on information gathered during a series of over two dozen interviews with representatives from State and local government, businesses, and nonprofit organizations. While potential solutions are offered, they are by no means exhaustive of potential solutions that might be considered and they should not be taken as specific recommendations without further analysis on the costs and benefits of each alternative. These papers were produced by the Vanderbilt Center for Environmental Management Studies (VCEMS) with the support of the Vanderbilt Institute for Environmental Risk and Resources Management and the Tennessee Conservation League. The views expressed are those of the authors and not necessarily those of any sponsoring organizations. Contributing authors and researchers include: Linda Breggin, Mark Cohen, Meghan Lockman, Ann Olsen, and Kristen Shepherd. Electronic versions of the papers in this series, as well as additional information about the authors, are available on the VCEMS web site at [www.vanderbilt.edu/vcems](http://www.vanderbilt.edu/vcems).

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<sup>1</sup> The Nature Conservancy, "10 Things You Should Know About Tennessee," <http://nature.org/wherework/northamerica/states/tennessee/about/art227.html>; [www.tennngreen.org/news.htm](http://www.tennngreen.org/news.htm); Telephone interview with Scott Davis, Director, Tennessee Chapter, The Nature Conservancy, March 27, 2002.

<sup>2</sup> United States Department of Agriculture, "Summary Report 1997 National Resources Inventory" at 16 (Revised December 2000).

<sup>3</sup> Trust for Public Land, "Funding Profile: Georgia," [http://www.tpl.org/tier3\\_cdl.cfm?content\\_item\\_id=876&folder\\_id=706](http://www.tpl.org/tier3_cdl.cfm?content_item_id=876&folder_id=706).

<sup>4</sup> Trust for Public Land, "Funding Profile: North Carolina,"

[http://www.tpl.org/tier3\\_cdl.cfm?content\\_item\\_id=879&folder\\_id=706](http://www.tpl.org/tier3_cdl.cfm?content_item_id=879&folder_id=706).

<sup>5</sup> Trust for Public Land and Land Trust Alliance, “LandVote 2001: Americans Invest in Parks and Open Space” at 1 (2001).

<sup>6</sup> Interview with Gary Myers, Executive Director, Tennessee Wildlife Resources Agency (TWRA), March 12, 2002; Interview with Reginald Reeves, Director, Division of Natural Heritage, Tennessee Department of Environment and Conservation (TDEC), March 15, 2002; TWRA, “Wetland Fund Balance Projection” (October 2001); TDEC, “Average Monthly Revenue Over Last 12 Months: State Land Acquisition Fund” (August 2000).

<sup>7</sup> Florida: [www.dep.state.fl.us/lands/acquisition/index/htm](http://www.dep.state.fl.us/lands/acquisition/index/htm); New Jersey: [www.state.nj.us/dep/commissioner/strateplan/openspace.htm](http://www.state.nj.us/dep/commissioner/strateplan/openspace.htm).

<sup>8</sup> Trust for Public Land, “Funding Profile: Georgia,” [http://www.tpl.org/tier3\\_cdl.cfm?content\\_item\\_id=876&folder\\_id=706](http://www.tpl.org/tier3_cdl.cfm?content_item_id=876&folder_id=706).

<sup>9</sup> Governor’s Commission on Tennesseans Outdoors, “Tennesseans Outdoors: A Quality of Life for the Future” at iv (November 1986).

<sup>10</sup> Governor’s Commission on Tennesseans Outdoors, “Tennesseans Outdoors: A Quality of Life for the Future” at iv (November 1986).

<sup>11</sup> United States Department of Agriculture, “Buffers: common-sense conservation” (1997).

<sup>12</sup> Telephone interview with Scott Davis, The Nature Conservancy, 3/27/02; <http://nature.org/wherewework/northamerica/states.tennessee/about/art227.html>; [www.tennngreen.org/news.htm](http://www.tennngreen.org/news.htm);

<sup>13</sup> *See, e.g.* Environmental Law Institute, “Indiana’s Biological Diversity: Strategies and Tools for Conservation,” at 5-6 (1995)([www.eli.org](http://www.eli.org)).

<sup>14</sup> Travel Industry Association of America, “The Economic Impact of Travel on Tennessee Counties, 1999” (A Study for the Tennessee Department of Tourist Development) at 8 (June 2001).

<sup>15</sup> Tennessee Department of Environment and Conservation, Office of Strategic Planning, “Master Plan for Tennessee State Parks 1999-2009” at 4.

<sup>16</sup> Tennessee Department of Environment and Conservation, Divisions of State Parks, “Economic Impacts of Tennessee State Park Visitors” at 1 (October 2001).

<sup>17</sup> Telephone interview with Susie Spriggs, Tennessee Wildlife Resources Agency, Revenue Office, March 23, 2002.

- <sup>18</sup> Endangered Species Act, 16 U.S.C. 1531-1544.
- <sup>19</sup> Smart Growth Network and the International City/County Management Association, “Getting to Smart Growth: 100 Policies for Implementation” at 46-47 (2002). Available online at [www.smartgrowth.org/pdf/gettosg.pdf](http://www.smartgrowth.org/pdf/gettosg.pdf).
- <sup>20</sup> Tennessee Wetlands: [www.state.tn.us/environment/epo/wetlands](http://www.state.tn.us/environment/epo/wetlands).
- <sup>21</sup> Trust for Public Land and Land Trust Alliance, “LandVote 2001: Americans Invest in Parks and Open Space” at 10 (2001).
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- <sup>23</sup> Myers, Gary, “Tennessee’s Forestlands: A Changing Landscape,” Tennessee Wildlife Magazine (March/April 2001).
- <sup>24</sup> Tennessee Code Section 67-4-409 (k).
- <sup>25</sup> Tennessee Code Section 67-4-409 (k).
- <sup>26</sup> Trust for Public Land, [www.tpl.org](http://www.tpl.org) (March 26, 2002).
- <sup>27</sup> Southern Environmental Law Center, “Where Are We Growing? Land Use and Transportation in Middle Tennessee” at 23 (2001)(citing Land Trust Alliance) ([www.selva.org/res\\_publications.shtml](http://www.selva.org/res_publications.shtml)).
- <sup>28</sup> Tennessee Agricultural, Forest and Open Space Land Act of 1976, Section 67-5-1001, *et seq.*
- <sup>29</sup> Southern Environmental Law Center and Environmental Law Institute, “Smart Growth in the Southeast: New Approaches to Guiding Development” at 10 (1999)([www.eli.org](http://www.eli.org)).
- <sup>30</sup> Telephone interview with Meghan McDougal, Michigan Department of Agriculture, April 1, 2002.
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- <sup>32</sup> The PACE Program: [www.uky.edu/Ag/AgEcon/ra9805ci.html](http://www.uky.edu/Ag/AgEcon/ra9805ci.html).
- <sup>33</sup> See Bridgestone/Firestone Centennial Wilderness: <http://www.state.tn.us/environment/epo/bridgefire/apr1300.htm>.